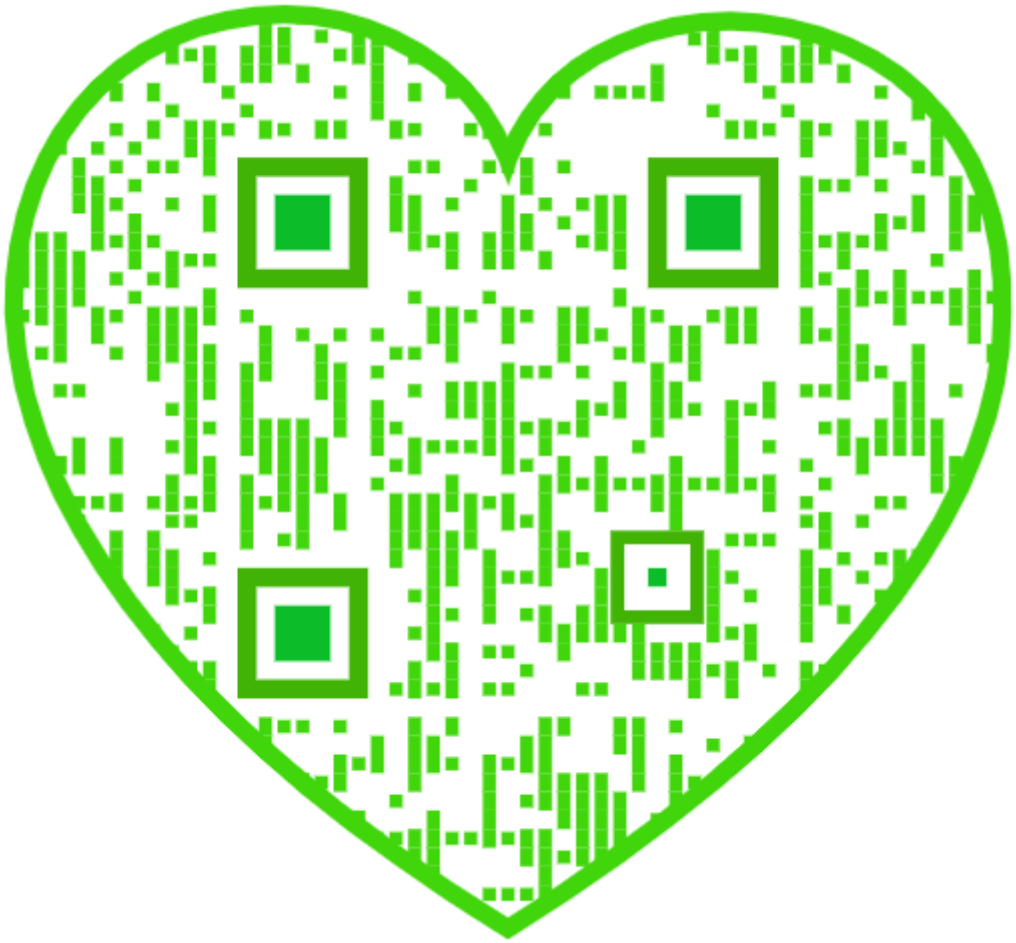

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The Evolution of Local and Imperial Government

From the Teutonic Conquest to the Present Day

BY

E. MARY FORDHAM

WITH A PREFACE BY

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PREFACE.

THE Act of Parliament which gave to the dwellers in the counties the same franchise as the citizens of towns, inevitably turned men's minds to the consideration of the question of local government in the villages. The Reform Act of 1832 had been followed by the Municipal Corporations Act of 1835, so men argued that the Reform Act of 1885 must be followed by local self-government in the country districts. In the succeeding General Election, held late in 1885, this subject of county and parish government was much discussed. My daughter, the writer of the following pages, was associated with me at that time in a study of the proposals for giving the dignity and liberty of self-government to the rural population. Out of the study so begun, ever since kept up, and further aided by her practical experience of local administration, this book on "The Evolution of Local and Imperial Government" has gradually grown.

The evolution is shown to have been slow and intermittent. Long centuries of content, or silent discontent, marked the loss of the old Saxon system in the feudal forms of the Norman Conquerors. The ideal of a Feudal lord who was a local providence, ruling justly, realising his responsibility for the well-being, material and moral, of the

dwellers on his lands, and demanding in return their service, and even their lives in times of national danger, developed a benevolent despotism, in many cases admirable. It was well suited to an early age, and by its inherent charm it has long survived its actual usefulness. It only fell before the economic changes of the modern world. In the fall the lord and the peasant both suffered, but the latter, not organised as his Saxon progenitors of old, was defenceless against the cruel changes, which robbed him of his common lands, and practically divorced him from all rights to the soil on which he worked. It was a great and signal change, when the Acts of 1888 and 1894 brought back, after many hundred of years, the old system, and gave to the inhabitants the right to choose their own rulers, both in the county and in the parish. In 1888, the County Council Act was passed with comparative ease, but its authors did not extend it to the reform of vestries or parishes. This was accomplished in 1893 and 1894, in the passage of the Local Government Act of 1894. The Bill was introduced on March 21st, 1893. It was read a second time without a division on November 7th, and became law. with the Lords' Amendments, in March, 1894.

The passing of the measure was one of the most exhausting struggles ever witnessed in Parliament, but it made the labourer in the village the equal of the citizen in the town. For patronage it substituted independence, and replaced the rule of the few by the responsibility and co-operation of the many. It is true that in some places

it has so far produced no marked results. Complaints are made that the powers given are too restricted, but such critics should remember that it took six days of Parliamentary time to pass the clause which gave the control of the charities to the parish council, and that seven days were occupied on the clause which gives the people power to elect the guardians of the poor.

In many and many a village, on the other hand, improvements are manifest. Nuisances have been removed; village greens and rights of way protected; halls and recreation grounds provided; dark places lighted; the water supply improved, and life generally made healthier and brighter. Above all, more than 44,000 persons have obtained allotments of land in the eight years since the passing of the Act. But of more value than these material benefits is the sense of citizenship which has been created; the pride of self-government and control of local affairs which, beginning in the smallest way, must gradually develop those qualities which make a nation fit to govern itself, and therefore fitter to play its part in the government and progress of the world. To all those critics who see but small results, there is but one reply from experience, and that is—patience. The Municipal Corporations Act of 1835, which affected the dwellers in towns, took nearly a generation before it began to be recognised as the great instrument which it has since become of social betterment. Great cities, which have since won world-wide fame for the splendid achievements of municipal enterprise, had hardly recognised in the

early sixties the potent instrument which self-government had placed in their hands. Even now, nearly a quarter of a century after the passing of the County Government Act, the county councils are entering on a new and vast area of public usefulness in connection with education. The Parish Councils Act—the last stage of local self-government—is not yet ten years old. There are great questions pressing for solution connected with the housing of the people in rural as well as urban districts, and problems of surpassing importance in connection with health administration, and the care of poverty and old age, for which the co-operation of county, district, and parish councils will be needed. The future is rich with the promise of noble work. Every man and woman who now takes the humblest share in the work of the smallest local authority is preparing for that work which, in the fulness of time, will crown the local government system with the glory of equalising opportunity and brightening life for the poorer members of the community.

WALTER FOSTER.

November 23, 1903.

Chapter I.

Early Forms of Government.

When the "Local Government Act of 1894" was passed and became law, the general opinion seemed to be, that the giving of the powers of local government to the Parish, was a new and brilliant idea. For those, however, who have studied the constitutional history of their country, it is clear that the Act of 1894, and the County Councils Act of 1888, *recreated* the old forms of government under which our Anglo-Saxon forefathers lived, and that these two Acts are to a very great extent, but the embodiment of those earliest forms of local government, altered to meet the requirements of the close of the nineteenth century.

Thinking of, and comparing the old with the new, gave me the idea of writing this book, with the intention of showing as briefly as possible the numerous links of government

in the long chain of the constitutional history of Great Britain. And comparing the early forms of government with the later, for those men and women, who, though interested in the events of their country, have not the time, or, maybe, the desire, to study deeply the constitutional history of the last 1450 years.

Let us commence with a review of the early forms of local government, and then compare each one of them with the later Councils.

After the Teutonic (or Anglo-Saxon) Conquest of Great Britain, A.D. 450, which during 150 years was a national occupation, we find that the whole law of settlement belonged to the community, who each year allotted the arable land among the freemen, while the pasture was held and used in common. An aggregate of communities (*Vici*) of the tribe, constituted the *Pagus* (the *gaw*), and an aggregate of *Pagi* made up the *Curtas* or *Populus*. In the political life of the people during this period, from 450 to 600, we see that the monarchic, aristocratic, and democratic elements were clearly marked, so that in this respect we have not progressed, while

in the matter of land we have even gone back, for in 450 it practically belonged to the nation, the pasture being held and used by the community, the arable land being let on a yearly tenancy to the freemen, and belonging to the community. At the beginning of the twentieth century we are making but poor progress towards land nationalisation, which to a great extent existed in these earlier days.

Turning to a later period, let us look into the constitution of the English nation from the seventh to the eleventh century—a constitution which survived the Norman Conquest, and which in all its essential principles, developed and adapted from time to time to meet the requirements of successive generations, is still the same that has continued down to the present day. We have no positive knowledge of the exact process by which the territory conquered by each of the invading tribes was divided among the colonists. But there is little doubt that, as to a large portion of the land in each colony, a principle of allotment was generally adopted, based upon the existing divisions of the host into companies, each consisting of 100 warriors, united by the tie of

friendship. Then again, the land would be sub-divided and allotted in smaller portions to the number of settlers connected with the family, and thus we see that in the Anglo-Saxon community there were two groups of individuals to which the word "family" may be applied. The first included the whole body of kindred to whom portions of land were allotted by the smaller group, which may be called the "household," and consisted of the husband, his wife, and children; their portions of the land were held and cultivated in common as the property of the community. Besides the land thus divided among the freemen, a part was retained by the chief of the tribe as his personal estate, and here we see how, more than 1,500 years ago, the idea of private ownership of land insidiously crept in, and that even at this later date, from the seventh to the eleventh century, the land system was not of so democratic a character as at the period of the Teutonic conquest, when all the land belonged to the community, and the *Mark* or *Vicus* was annually allotted to them. After the dividing and sub-dividing of the land among the 100 heads of families and

the freemen, and their kindred, all that remained was the common property of the whole country. This *Folk-land* formed the main source of the revenue of the State, and might be held by private individuals, subject to certain rent services determined by the State. The *Boc-land*, as its name suggests, was land conveyed by book or charter, and granted with the consent of the nation to individuals for a term of years or in perpetuity, and subject to certain burdens. Here we see the first indication of what later on came to be known as entailed estates. These burdens, or rights, in some counties exist to the present day. Thus we see that during the pre-Norman period the whole of England was divided under two great heads—first, public or *Folk-land* (that which belonged to the folk or people, and was the common property of the nation), and second, private or *Boc-land*, which was granted to individuals subject to certain conditions or burdens.

After the Norman Conquest, and as the office of king advanced in dignity and power, gradually the Crown was substituted for the nation as the owner of land, and the words

Folk-land gradually disappeared, and were replaced by the term *Terra Regis*, or Crown land, which exists up to the present time. It has been often said that there is really nothing new in the world, and certainly in the study of the constitutional history of England we are brought face to face with this fact. The creation of local governing bodies, the idea of which was so loudly applauded when the County Councils Act, and later on the Parish Councils Act, were put into practice in 1888 and 1894, is anything but new in the history of this country. The idea and the system, date back to a period prior to the conquest of England by the Normans, as far back as the Teutonic—or Anglo-Saxon conquest, at which time there was a complete system of local self-government—far more radical and democratic than that which we enjoy to-day. In those days the country was divided into territorial divisions, the unit of which was the tun township, or *Vicus*, occupied by a body of allodial owners. Each township had its *Tungemot* or assembly of freemen and freewomen, the *Tun* being originally the enclosure or hedge, whether of a single farm or of the

whole village. Then the townships were grouped together into *Hundreds*, or, as they were called in Anglian districts, *Wapentakes* ; a number of hundreds constituted the shire, and the shires formed the kingdom. Many of the hundreds exist to the present day ; for instance, the hundred of Odsey, in Hertfordshire. The shires also still exist, although from time to time their size has been decreased or increased, and towns and villages are not unfrequently placed in one shire from another. As in the case of Royston, after the passing of the Local Government Act in 1894, which was for county purposes and all local affairs placed in Hertfordshire instead of remaining half in Cambridgeshire and half in Hertfordshire as before the passing of the Act. The *Hundred* or *Wapentake* probably has its origin in the primitive settlement, varying in geological extent, of each hundred warriors of the invading host. The origin is evidently military, and has reference to the armed gathering of freemen ; the names first appear in the laws of Edgar (A.D. 959-975) in connection with the police supervision of the kingdom.

Each hundred had its *Hundred-gemot*, which

considered and dealt with all matters, criminal and civil, within the *hundred*, and which was attended by the thegns of the *hundred*, and by one representative town reeve and by four men from each township. The chief or head of the *Hundred-gemot* was the *Hundred-man*, or *Hundred-ealdor*, who called the *Hundred* together, and who corresponds to the chairman of the local governing bodies of the present day.

We find here the first indications of what has gradually led to power, riches, and land, falling into the hands of the few. Had the personal influence continued to dominate the landed, we should never have had the territorial influence the power it was a hundred years ago, or a parliament constituted as it was at one time, of those who could pay the biggest sum for a seat, not elected as we elect now—by ballot, the secret votes of the people. Slowly we are progressing, although with infinite difficulty and pain, and learning lessons from those who lived hundreds of years ago, and who could teach us a purer and more democratic form of local government than we are capable of insisting on to-day.

The divisions into *shires* (a word originally meaning as its name suggests) a sub-division or share) is of ancient origin. In Wessex it existed as early as the end of the seventh century, long before the time of Alfred, to whom, however, it has been attributed. The government of the shire was administered concurrently by an *Ealdorman* and the *Scir-Gereſa* or *sheriff* (the sheriffs we still have at the present day, although their duties have varied considerably). The *Ealdorman* was originally elected in the general assembly of the nation, but little by little the tendency crept in to make the office hereditary in certain of the great families, although in all cases until the Norman Conquest the consent of the king and the *Witan* had to be obtained. The *sheriff* was the special representative of the regal or central authority, and was usually nominated by the king. This honour is still decided by the Sovereign by the system of pricking the names on the list sent in by the Lord Lieutenant of the county. The *Burh* or town was merely a more organised and probably a more important form of township than that of which we spoke earlier. The *Tun* was

probably in a more defensible position, having a ditch or mound instead of a hedge round it, and as the *Tun* was originally the fenced homestead of the "cultivator," the *Burh* was originally the fortified house and courtyard of "the mighty man." From this word *Burh* we take our word "borough," still applied to big towns, and signifying the area, limit, or boundary. *Burhs* were gradually developed out of the villages and townships, or were founded on the *folk-land*; they were governed by *Gerefas* (in mercantile places *Port-Gerefa*), in others by a *Wic* or *Tun-Gerefa*, who presided in the *Burh-gemot*, or meeting of all freeholders of the *Burh*. In the larger towns, composed of a cluster of townships, the form of government more closely resembled that of the *Hundred*.

The City of London has from time immemorial been divided into *wards*, answering to the *hundreds* in the *shires*, each having its own *Ward-Moot* similar to the *hundred-court*, and its elective ealdorman, and has always been a county of itself. William the Conqueror granted to the chief officers of the City a charter confirming the laws which London had enjoyed

under King Edward. Our *aldermen* of *county* and *town councils* take the name from the *ealdormen* of the local governing bodies of those times. In these early days there existed a very important organisation of guilds—*Frith-Guild*, the voluntary associations for ecclesiastical and secular purposes, and the smaller guilds for the preservation of peace, mutual defence, and other matters, in character something akin to the *trades unions* of to-day. There was another known as the *Merchant* Guild, which exercised a most important influence on the town constitution, and to which, as a rule, all the traders of the town were obliged to belong.

Turning from the divisions of the land in the country, to the divisions of the people, we find at the bottom of the social scale the slaves, 25,000 of whom are numbered in Domesday Book, or nearly one-half of the registered population. They were of two classes—(1) Descendants of conquered Britons —persons of common German stock and descendants of slaves ; (2) freemen who had been reduced to slavery through crime or failure to pay the necessary money equivalent

to our taxation. A father had power to sell a child of seven years of age, and a child of thirteen had power to sell himself or herself. Then came the freemen, divided into *Eorls* and *Ceorls*, or in more modern language, "gentle", or "simple" esquire and yeoman, and then the *thegns* or personal followers of the king, and finally various smaller and in no wise important divisions of the remainder of the people. To really grasp and understand all the social differences between the people one must study closely constitutional history, and as I am dealing more particularly with the history of local government, I must not enter into it here. It is sufficient to mention that the clergy held high rank, while the Church and State worked together in closest alliance for the good of their country. At the head of the nation was the *Cyning* or *King*; the royal power was strictly limited by that of the *Witan* or *National Council*, to which chosen representatives of the small *Gemots* were sent. The powers of the *Witan* were most extensive —greater even than those of the gemots. I shall deal with these powers when I compare the local councils of to-day with the gemots of

the past. Let me merely say that in the earliest times of which I am speaking the people were the source of power ; and the king was their *Minister*, but not their *Master*. All this was changed with the Norman Conquest, when we see the power of the crown enormously increased, the social aspect and the old aristocracy changed, the great earldoms abolished. And in their place feudalism, tenure of land by various grades of persons, homage and forest laws introduced, which altogether altered for a time the character of the race, and spoilt the simple democratic form of government under which the people were living. These changes caused rebellion, tyranny, war, plunder, and finally the king became the source of all power, the people his servants. Gradually all this has altered, until to-day we can almost once again say as in the early days : " The people are the source of power, and the Sovereign their minister, not their master." At the beginning of a new century we are learning slowly, but surely, let us hope, the true form of government " of the people, and for the people, by the people," from the history of this conntry before the Norman Conquest,

when a really democratic form of government existed.

Let us now glance at the constitution of the *Witan*, the parliament of those days, the meeting of the "wise men." In theory it was democratic, in ordinary practice aristocratic. Its members were the *king*, *ealdormen*, or *governors* of shires, the *thegns*, the *bishops*, *abbots*—in fact, the "wise men" of the kingdom, varying in number from 90 to 100. The powers of the *Witan Gemot* were most extensive. I will deal with them in full later, contenting myself now with the mere statement of its powers :—(1) The power of deposing the king for misgovernment ; (2) the power of electing a king ; and (3) a distinct share in every act of government.

In the foregoing pages I have briefly traced the growth of government in England from the Teutonic conquest, A.D. 450, up to the period of the Norman Conquest, 1066. Let me now run briefly through the various constitutional changes from the conquest of England by William I. up to the year 1888, when once again local government became of importance, and a power in the country. It

will be seen that during the 800 years between the Norman Conquest and 1888, that local governing bodies almost disappeared, that old forms of government lost power and position, and that the central national council (the *Witan* of 450) became more and more powerful, until in the reigns of George I. and George II. it reached the summit of its power. We shall also see how the power of the sovereign increased and decreased during this long period.

The immediate changes of government that the Conquest introduced were very great, but they were practical rather than formal. The power of the crown was vastly increased, and as the government became more centralised, local self-government, the essential characteristic of the Teutonic constitution, was for a time depressed, but only to rise again later, in different forms, when the nobles and the people became united against the tyranny of the crown. The social aspect of England was enormously changed, and the old dynasty supplanted by an alien family, the old aristocracy by a new nobility; the old offices received new names, the *ealdorman*

becoming the *comes*, the *sheriff* the *vice-comes*. With the new names and to some extent new duties, the old laws, though retained and even promulgated anew, were considerably modified in their practical administration. But from a constitutional point of view, the most important result of the Norman Conquest was the assimilation of all the institutions of the country, from the highest to the lowest, to the feudal type. This was a consequence of the immense confiscation of landed estates, which, occurring not all at once, but from time to time, ultimately placed King William in the position of supreme landowner, and established the feudal system in England. At first the Conqueror, with an appearance of strict legality, appropriated merely the extensive royal domains, the *Folk-land*, which now finally changes its name into *Terra-Regis*, and the estates of all those who had, or were suspected of having, taken up arms against him. Reserving to himself, as the domains of the crown, more than 1,400 large manors scattered over various counties, he divided the rest among his companions in arms. He abolished the great ealdoms, and

reverted to the earlier English practice, and restricted the power of the *ealdorman* or *comes* to a single shire. The government of the *shire*, judicial, military, and financial, was practically executed by the *sheriff*, who was directly responsible to King William. The courts of the *shire* and the *hundred* were still held for a time on the old lines. Land was granted to the knights by the king, and to the vassals or tenants by the lords or knights. The vassals paid homage, and were bound, in proportion to their grant of land, to provide one or more armed men to serve in the field for 40 days at their own expense; this was called *knight service.* The tenants were also bound to serve in war time, to attend King William's court at the three great festivals, and to make certain contributions, termed aids. This tenure was called *Grand Serjeanty.* Grants of land were made by the king to his inferior followers, foresters, huntsmen, farriers, and similar officers, and went by the name of *Petit Serjeanty.* Then came tenure in *Free-Socage*, meaning a franchise or jurisdiction, and which still exists under the modern name of freehold, and may be regarded as the

representative of the primitive allodial ownership, which meant tenure by any certain and determinate service. For instance, such as paying a fixed monthly rent, or obligation to plough the lord's land for a certain number of days in the year. Besides the *Petit Serjeanty*, local tenure comprised two other particular species, namely, *Burgage* and *Gavel kind.* Tenure in *burgage* was a kind of *town socage*, it applied to tenements in any any ancient borough held by the burgesses of the king or their lord, by fixed rents or services. After the Conquest, the cities and boroughs were retained by the king as part of the domains of the crown, but after a time a large number were granted out to his barons. *Gavel kind* (rent yielding) was almost confined to the county of Kent, which received special favours from the Conqueror. Such lands were held by suit of court and fealty, and were devisable by will. Below *Free Socage* came the tenure in *Villeinage*, by which the agricultural labourers, free and servile, held the land instead of receiving wages. The terms of the tenancy varied with the local customs of the different manors, but it was always more or less precarious. There

were two branches of tenure, *pure Villeinage*, the tenure by which the land of the lord was held by tenants who, whether free or servile, were bound to do whatever work was set them, and who, we are told, "knew not in the evening what was to be done in the morning"; these were occupiers of land at the lord's will. *Privileger Villeinage* was the tenure by which the tenants of the king's domains (crown lands) held their land on condition of performing certain services, and such tenants could not be removed from the land so long as they were willing and able to perform these certain services. Thus we see that the land under William the Conqueror was divided as follows:—(1) Granted to William's followers; (2) 1,400 manors confiscated for crown lands; and (3) land granted under service conditions to various degrees of persons in town and country, the agricultural labourers holding land in lieu of money wages. Up to the time of the Norman Conquest, as we have seen, the land was divided into *Boc-land* (private land granted to certain people under book or charter), and *Folk-land* (the people's land, which was the common property of the nation,

but which could be sub-let). From 1066 different forms of land-tenure commences, and one can trace the causes of the present aggravated form which from this time began to slowly creep in, resulting in the rich and powerful becoming almost sole owners of the land throughout the country.

Chapter II.

Early Forms of Government.—*continued.*

William the Conqueror continued to hold, three times a year, at the accustomed times and places, the *National Assembly*, and for a time it even retained its old Teutonic name of *Witan*. It was attended by the *bishops*, *abbots*, *thegns*, *earls*, and *knights*. As the feudal system gradually became the predominating influence in every department of the State, the *National Assembly*, the *Witan*, gradually changed its characteristics, and the assembly of the "wise men" became the court of King's vassals, or *Curia Regis*; but few changes, however, were made at this time in the national laws. Henry I. granted charters to several boroughs; his charter to the citizens of London is remarkable for the amount of municipal independence and self-government it afforded, but London has always held an exceptional position, and its

privileges were, even at this early time, far in advance of those as yet granted to other towns. Henry at the same time strengthened the local courts of the shires, the *Hundred-Moot* and the *Burh-Moot*, and as a check to the feudal nobility he endeavoured to curb them by centralising and systematising the royal administration. Under the direction of Roger, Bishop of Salisbury (1101-1103), appointed *Chief Justiciar* in 1107, the administration of the *Curia Regis* was organised for judicial and financial purposes. The annual courts were still held during the festivals at Gloucester, Westminster, and Winchester; but as these were found insufficient for the increasing business of the nation, the *Chief Justiciar*, accompanied by some of the other justices of the King's court began towards the end of Henry I.'s reign to make occasional circuits round the kingdom, principally for fiscal, but also for judicial purposes. Here we have the origin of the *circuit*, and *assize* sittings still held at regular intervals in our towns, but for judicial purposes only, at the present day. The local courts and moots were thus brought into connection with the supreme national council

by introducing a new system into the administration of laws and governments. Thus Henry I. prepared the way for important reforms during the reign of his grandson.

At this time, and for several hundred years, in fact, from immediately after the Norman Conquest, until the year 1888, there was practically no real form of government in the smaller places. The *Tun-gemots*, equivalent in area to our *parish councils*, disappeared, and only the *Burh-gemot*, equivalent in later times to the *local board*, and since 1894 to the *urban district council*. The *Vestry*, and the *Shire-moot*, which later entirely disappeared in its old form, until it reappeared again in 1888 as *county council*, existed at this time, while the *Hundreds* also disappeared, except as areas for judicial purposes. In later times the *town vestries* may, perhaps, be taken to have in some way filled the place of the *Tun-gemot*, but as the *vestry* for village affairs long ago ceased to be representative, or its members to take any active interest in village matters, the inhabitants left off attending. And the church *vestry* practically existed for dealing solely with

matters affecting the church, and meeting in the church vestry. So we may say with truth, that from the time of the conquest of Britain by William the Conqueror, the villages and country districts have had no popular self-government until 1888—a period of nearly 800 years.

The basis of the voting at the *vestry* was reckoned in proportion to the amount of the rates—one vote for every £50 of rateable value up to a maximum of 6 votes—and women had votes as well as men. In 1834 the relief of the poor and all matters in connection with the Poor Law were transferred from the *vestry* to the guardians. In the *Tun-moots* women were entitled to attend and vote upon the same terms as men (as freemen and free-women), but it has not been proved whether they were eligible for parochial offices.

Certain documents of the fifteenth and sixteenth centuries relating to parliamentary elections show that women took part in elections, especially in the manor towns. Aylesbury furnishes an example, where in the reign of Elizabeth, in 1572, the sole elector being a minor, his mother, Dorothy Pakington,

lady of the manor, returned two members of Parliament. Petitions from women were not at all uncommon, and in 1643, at the time of the great democratic outburst, women petitioned the Long Parliament for a redress of grievances, and asked to be placed upon an equality with man for all purposes.

Henry II. instituted the *grand assize*, or trial by the recognition of a jury, which superseded the old method of trial by battle or by compurgation, and the *grand assize* exists to-day as an outcome of Henry's policy. The power of the Crown was materially increased during these years. Passing from the famous "*Magna Charta*," we come to the "*Constitution of Clarendon*," the charter of liberties, the outcome of a movement of all the freemen of the realm, led by their leaders, the barons. Clause 39 states:—"No freeman shall be taken or imprisoned, or dis-seised, or outlawed, or exiled, or anyways destroyed, nor will we go upon him, nor will we send upon him, unless by the lawful judgment of his peers or by the law of the land." Clause 40 states:—"To none will we sell, to none will we deny, or delay, right or justice." In

the charter it is stated that the City of London retains all its ancient liberties and customs, and all the other cities likewise. In these quoted clauses are clearly contained the origin and suggestion of the *Habeas Corpus Act* and trial by jury—the most effective securities against oppression which the wisdom of man has yet been able to devise.

The council of St. Alban's has a special importance of its own, as the first historical instance since early times of the summoning of representatives to a national council. It was attended not only by the bishops and barons, but by numbers of other representatives, and four men from each township of the royal domain.

Next to the King in power and authority came his chief minister, the *Justiciar*, the supreme administrator of law and finance, the greatest subject, the representative of the King in all matters, and by virtue of his office *Lieutenant Viceroy*, and *Regent* of the kingdom during the King's absence. As we have seen, the *Justiciar* was a new creation of the Conquest; he stood to the King and the whole kingdom in the same relation as the *Sheriff* did to each shire. The dignity of the *Justiciar's*

office remained unimpaired until the death of King John. The title of *Chancellor* was introduced under Edward the Confessor. The *Chancellor* was the official keeper of the royal seal, and chief of the King's chaplains. From the *Justiciar* of old days comes the *Prime Minister* of later times, while the office of *Chancellor* still exists under the same name and under much the same conditions. As we have seen, the *Witan* or *National Council* (later becoming *Parliament*), under William the Conqueror becomes the *Curia Regis*, still meeting in session three times a year, attended by all the *earls*, *bishops*, and all *tenants in chief*, thus becoming a council of the privileged few, as against the democratic *witan* in its old form before the Conquest, attended by chosen representatives from every town and village.

In the twelfth century Henry II. introduced important changes in taxation, to which all classes of people and all kinds of property were brought under contribution. Among other things, he expanded and regularly established the recognition by sworn inquest, and from this our modern "trial by jury" has actually descended. The idea originated

before the Norman Conquest, but was not perfected until a much later date, and, in fact, it was not until the reign of Edward III. that the necessity for a unanimous verdict of twelve was re-established, for in Henry II.'s reign it was not a necessity that the twelve should be unanimous so long as a majority were agreed. One of the special characteristics of the English Constitution—the permanency combined with the progressive development of its primitive institutions—is illustrated by the system which we find in use under the Norman and Plantagenet Kings for the preservation of the internal peace of the country and its defence against hostile invasion. There were two principal methods, the one "civil," the other "military":—(1) The police organisation of the mutual *frith—bohr* or *frankpledge*—supplemented by the "hue and cry" in pursuit of offenders, in which all the inhabitants of the *hundred* or *tithing* were bound to join. (2) *Fyrd* or *national militia*, available for the defence of the country in war and for the maintenance of peace at home. This *Fyrd*, the armed folk-moot of each shire, was originally the only military system known to our ancestors.

The doctrine of the hereditary descent of the Crown gradually grew up, as the territorial idea of kingship superseded the personal idea, during the two centuries after the Conquest. As the King of the English developed into the King of England, the feudal lord of the land, the kingdom came to be regarded by King and courtiers as the private possession of the Sovereign, to be enjoyed for his own personal profit. The forms of election and coronation still, however, continued periodically, as the throne became vacant on the death of each Sovereign. In witness of the fallacy of the above-mentioned doctrine of succession, Edward II., who succeeded in 1307, was the first King whose reign was dated from the day following the death of his predecessor. In him, then, the principle of hereditary right appears to have triumphed over the whole elective system. But the true nature of the crown as an office of trust, and of the continuing right of the nation to regulate the succession to it, were reasserted not twenty years later by the formal deposition of this unfortunate King. In June, 1406, an Act was passed settling the Crown of England on

the King and his heirs male. It was repealed in December of the same year, when it was decided that female heirs should be admitted into the line of succession.

England has never been without a *National Assembly*, by whose consent and counsel the work of government has been carried on, although the duties and characteristic title have continually changed:—(1) *Witan* from 450-1066, Assembly of Wisemen; (2) *Curia Regis* of the Conqueror, the King's Court; (3) *National Council* or Assembly; and (4) *Parliament* (name given in 1246). In the reign of John, the *National Council* gradually ceased to be anything more than an assembly of the greater barons, and ultimately developed into a hereditary House of Lords—the Upper House of our Parliament of to-day. The hereditary right of the House of Lords, regarded even at that time as fixed and fundamental, accrued slowly and undesignedly as a consequence of the hereditary descent of the baronial fiefs. Lay peerages for life were created between the reigns of Richard II. and Henry VI.

Four instances of summoning representatives

of the shires to the *National Council*, are met with prior to De Montfort's celebrated Parliament of 1265. (1) During the contest between John and the barons, when both sides found it necessary to seek the support of the free tenants of the counties. The *sheriffs* were therefore directed to send "four discreet knights of each shire" to Oxford. In all probability these county representatives were elected in the *county court* (the old *shire-moot*), where all the freeholders had the right to attend. (2) Forty years later (1254) two "lawful and discreet knights" were bidden from each county to come before the Council at Westminster, to consider what aid they would give the King in lieu of men and money. (3) In 1261 the King (Henry III.) openly refused to abide by the "provisions of Oxford," and civil war broke out. During the contest the barons summoned to St. Albans "three knights for each county." And (4) after the battle of Lewes, 1264, followed by the surrender of the King and his son, supreme power was placed in the hands of Simon de Montfort, who in the King's name appointed certain extraordinary magistrates, called "guardians of the peace,"

in every county, and summoned "four lawful and discreet knights" to attend the King in council in London. We see, therefore, that at this time, it was only on certain important occasions that the counties were represented at the *National Council*, and that the number of representatives varied. The *Mad Parliament* of 1258, which consisted of twenty-four persons—twelve elected by the barons and twelve by the King—met in Oxford on June 11th. Unlimited powers were entrusted to this Parliament, and they began by drawing up the *Provisions of Oxford.* The representatives of the counties were not summoned to the Oxford Parliament, but "four discreet and lawful knights" were directed to be elected in each county to inquire into abuses. To Simon de Montfort, Earl of Leicester, we owe the foundation of our *House of Commons*; to him belongs the lasting glory of having been the first to admit, within our political Imperial Constitution, the really progressive and popular burgher class—the townspeople. Writs were issued to all the *sheriffs* to return, not only two *knights* from each shire, and two *burgesses* from each borough, but also two *citizens* from each

city. For the first time since before the Conquest in 1066, we find a democratic form of government, and we leave the *National Council*, composed of the *knights*, representing the rich and influential, closely united with the barons, in fact, the council of the rich and powerful, for a popular council, entitled by its constitution to speak and act for the whole realm. As a result, the towns, from a position of semi-servitude, slowly attained to the possession of liberty, wealth, and political franchise. It is interesting to note that in the fourteenth century the clergy ceased to attend Parliament.

Ever since 1295, the government of England has been carried on by King, Lords and Commons, at this time consisting of two elements—(1) the knights and the burgesses elected by the freeholders; (2) the lords and peers, the greater barons, and the bishops, sitting by virtue of their position. In 1300 and 1362 it was enacted that Parliament should be elected annually, and there are many people to-day who still believe in annual Parliaments. During the long reign of Edward III. the Commons firmly established three essential

principles—(1) All taxation without the consent of Parliament is illegal; (2) the necessity for the concurrence of both Houses in legislation; (3) the right of the Commons to alter and amend the abuses of the administration. Richard II. endeavoured to rule without consulting his Parliament, and called forth the memorable address :—"We have an ancient statute" (the statute deposing King Edward II.), "and it was not many years ago experimented (it grieves us that we must mention it), that if the King through any evil design or foolish obstinacy or contempt; or of a perverse or froward wilfulness, or by any other irregular courses shall alienate himself from his people, or refuse to govern by the laws, statutes, and laudable ordinance of the realm with the salutary counsel of the lords and great men of the realm, but will throw himself headlong into wild designs and wantonly exercise his own singular arbitrary will; from that time it will be lawful for his people, by their full and free assent and consent, to depose the King from his royal throne, and in his stead raise up some other royal race upon the same." During the 300 years that followed, little of very great

interest occurred, but in the year 1549 the poor people were the cause of tumults and insurrections in many counties, mainly on account of the action of the landowners, who, regardless of the ancient commonable rights, made large enclosures of the waste or common lands of the manor. To-day our local councils have power of dealing with enclosures, commons, and rights of way, and we are painfully and slowly winning back for the people, the land they lost 400 years ago and more.

Chapter III.

Early Forms of Government—*continued.*

Under Edward VI. the Commons, who had been quiet for a time, showed signs of proving their independence. This was met by the creation of rotten boroughs—the direct interference of the Crown in elections. The series of questions put by Peter Wentworth on the occasion of the heated discussion upon ecclesiastical reform, shows the power and the position of the House of Commons under Queen Elizabeth. Peter Wentworth's questions were: "Whether this house be not a place for free speech?" "Whether honour may be done to government and benefit and service to the prince and State without free speech?" Elizabeth replied as follows: "Privilege of speech is granted, but you must know what privilege ye have, not to speak everyone what he listeth, or what cometh into his brain to utter; your privilege is Ay or Nay."

Bribery at elections had become a very general thing, and it was not considered punishable until the year 1571, when the borough of Westbury was condemned for receiving £4 from the elected member of Parliament. James I. endeavoured to reign without having recourse to Parliament, and in order to raise money several peerages were sold at £10,000, and a new order of hereditary knights, called baronets, was created, each of whom paid £1,000 for his patent. Large sums were also raised by the sale of Crown lands. During the reign of Charles I. sums of money were raised again and again by illegal means, and in 1637 John Hampden refused to pay twenty shillings assessed upon a portion of his estate; after a long trial judgment was given for the Crown. In 1646 the *Long Parliament* met, and an everwhelming majority against King and Court was returned, chiefly owing to the exertion of John Hampden, the leader of the popular party. Before the trial and execution of Charles I., the reins of government had passed from King, Lords, and Commons into the firm grasp of the leaders of the army. When the few peers who still continued to

meet as the House of Lords refused to concur in bringing the King to trial, the truncated Lower House assumed supreme authority by voting "that the people being, after God, the source of all legitimate power, the sovereign power of England resided in the Commons, who had been elected by, and represented the people." After the execution of the King, the House of Lords was within a few days voted "useless and dangerous." By the *Corporation Act of 1661*, a religious test was combined with a political test, and in 1678 a parliamentary test excluded Roman Catholic peers from sitting in Parliament. And at the same time an Act restraining Nonconformists from inhabiting corporative towns by "the *five mile Act*," as it is usually termed, was passed, as follows, (1) A new test and oath of non-resistance was imposed upon the clergy; (2) every Nonconformist minister was prohibited, under penalty of £40 for each offence, from coming within five miles of any corporate town or parish; (3) all Nonconformists, lay or clerical, were restrained from teaching in any public or private school, under the penalty of £40 fine or six months' imprisonment. In the year

1679, the now familiar names "Whig and Tory," were first applied to the two great political parties in the state. The Tories looked towards the Crown, and thought the public good was best served by the exaltation of the royal prerogative. The Whigs looked towards the people, whose welfare they regarded as the primary end and object of all Governments. The differences between the two parties of 1679 still exist to a large extent, but of late years the old names have been changed to Conservatives and Liberals, and later still the more advanced section of Liberals have come to be known as Radicals.

In 1689 (William and Mary's reign), the third great charter of English liberty was passed—"the *Bill of Rights.*" In this Radical measure it was stated that the election of members of Parliament ought to be free. Two hundred years have gone by since this principle was enunciated, and we still fret under the heavy expenses of a contested election, although during the last fifty years they have been considerably reduced. In this reign the *Cabinet Council* was recognised, and although greatly altered in character, remains to the present

day. With the accession of George I., government by party was fully established. Lord Macaulay, expounding the nature of ministerialism, says: "It is a committee of leading members of the two Houses." From the time of the passing of the *Bill of Rights* the sovereignty of the King was transferred to the House of Commons; and it thus became the supreme power in the State, and the power of the Sovereign reached its lowest point under George I. and George II. It is interesting to note, that since the accession of the House of Hanover, no Sovereign of this country has ever exercised the prerogative of refusing the Royal Assent to a Bill which has passed both Houses, though attempts have been made to do so. George III. restored the small remnant of land which had been the *folkland* of the Teutonic period, the *Terra regis* of the Norman Conquest, and the *Crown land* of a later period—to the nation. In 1832 the great *Reform Act* was passed. The *Triennial Act of 1694* had provided that no Parliament should sit for more than three years. In 1716 the period was altered to seven years by the *Septennial Act*, which is still in existence.

In 1834 the Houses of Parliament were destroyed by fire, and reporters and visitors were given a place in the new buildings. In 1833 Dissenters were enfranchised, and Pease, a Quaker, was the first man allowed to take his seat in the House of Commons, where no Dissenter had been able to sit for one hundred and forty years.

In 1848 a "*Jewish Disabilities Bill*" was introduced, its object being to admit Jews as members of Parliament. It passed the House of Commons by 207-204, but was thrown out by the House of Lords. It was reintroduced in 1851 and 1853 with the same result, but was eventually passed by both Houses in 1858, whereupon Baron Rothschild took his seat as member for the City of London (July 26th). In 1884 the agricultural labourers were enfranchised. In 1888 *county councils* were formed on the lines of the *shire moot.* In 1894 every village was given its own form of government (*parish councils*), and in the small towns *urban district councils* took the place of the *local boards.* The old form of voting was at the same time done away with, and the ballot substituted. The old method

of plural votes for guardians was condemned, and one vote only allowed for each candidate, and a reformed system of local government was introduced all over the country; in 1894, in Scotland; and in 1898 in Ireland. Women, too, were given the power of sitting upon the *parish, district* and *urban councils* upon almost the same terms as men. In 1891 the *Free Education Bill* was passed.

Having traced the effects of the Norman Conquest upon this country, and the forms of government prior to the Conquest, and from 1066 until 1894, I wish to now compare the *Tun gemot* of the Teutonic period with the *parish council* of to-day, and the *Burh gemot* of the same period with the *urban district council* created in 1894.

Chapter IV.

The Tun Moot of 450; and The Parish Council of 1894.

As we have seen, the *Tun gemot*—the unit of the territorial division—was the *tun*, *township*, or *vicus*; each township had its *Tun gemot*, an assembly or meeting of freemen and freewomen, with a *headsman*, *president*, or *chairman*. These townships were grouped together into *hundreds*; or *wapentakes*, as they were called in the East Anglian districts. A number of *hundreds* constituted a *shire*, and the union of the shires made up a kingdom. Each "*wick*," or "*ham*," or "*stead*," or "*tun*" took its name from the kinsmen who dwelt together in it; thus, the home or "ham" of the Billings would be Billingham, the "tun" or town of the Harlings would be Harlington. Kinsmen fought side by side in the battlefield, and feelings of honour and discipline were drawn from the common duty of every man in each little group of warriors, to his house, and as they fought side by side in the field, so they

dwelt side by side on the land. The freeman was strictly the freeholder, and the exercise of his free rights as a free member to the community to which he belonged was inseparable from the possession of his "holding." The landless man ceased for all practical purposes to be "free," though he was no man's slave. Each little farm, commonwealth, or "tun" was girt by its own border—a belt of trees, or waste, or fence, which parted or divided it from its fellow—it was very possibly surrounded by a ring of common ground, which none of its settlers might take for their own, but which served for various purposes to do with the villages. The commons and waste lands of to-day in our country districts, many of them, date back from this time, although through the alteration of parish boundaries the growth of places, and with the altered conditions of life during the twelve hundred years which have elapsed, they do not, as they were intended, now form the townway or belt of each village or division between parishes. I have already dwelt at some length upon the divisions of land, the manner in which certain persons for certain reasons became possessors,

the *folk-land* and the *boc-land*; and also with the divisions of the people's rank—the *earls*, *ceorls*, *slaves*, and so on. It is, therefore, unnecessary to consider this again. The leader in war, and at home in peace, was chosen by the body of freemen and freewomen, and the man of noble blood enjoyed no legal privilege above his fellows. The homestead clustered round the moot hill or sacred tree, where the whole community met to administer its own justice and frame its own laws; the strife of farmer with farmer was settled according to the customs of the settlement as its earldorman stated, and the wrongdoer was judged and his fine assessed by his kinsfolk. We readily see that the *tuns* had absolute and complete power over all and everything connected with the life and doings of its people, through the tun-moot, with its *tun gerefa*, its *headsman* chosen openly by the freemen and women. And that they had the most complete power—not only for the framing of laws for the *tun* and enforcing them, but power of settling disputes, and even judging wrongdoers, deciding upon fit punishment and carrying it out, even if the penalty were death. Some long time after the *tun moot* ceased to

exist *vestries* were formed, the name being given on account of their being held in the church vestry—probably the only meeting-place in those days. The date of their formation was probably about 1100. The parish *vestry* was the general assembly of the parishioners, and there were two kinds, they were common or select. The common vestry consisted of the rated inhabitants, who had one vote if rated at less than £50, and additional votes up to six for every £25 rate above £50; the rector or incumbent was chairman by virtue of his office. The *select vestry* was an elected body—twelve for every thousand rated householders rated at £10 each, and if the number of householders exceeded three thousand, at £40 each, the rector to be chairman,—a most undemocratic body which was supposed to deal with parish affairs, but did very little and became practically useless.

The township sent four representatives, chosen openly, to the *Hundred gemot*, the assembly of thegns, and in war time was bound to supply a certain number of armed men to serve on the battlefield; otherwise, these tuns had as separate an existence and as

much power in their locality as separate countries. Let us now compare their powers with those of our *parish councils.* The Act of 1894 says, in regard to parish councils: "In every rural parish with a population over 300 the council is to consist of a chairman and such a number of councillors as may from time to time be fixed by the council: being not less than five nor more than fifteen, exclusive of the chairman," the chairman to be elected by the council. The form of election is democratic by show of hands at the parish meetings, which assembles once a year to elect its councillors (dating from 1901 the elections have become triennial), and which consists of electors, men or women, whose names appear upon the parliamentary or local government register as householders or landowners. In the *Tun gemot* the free men and women had a vote and voice in the making of their laws; and nothing but the fact that they were free, was necessary to enable them to enjoy this power. The *parish council* has practically the decision on all matters purely local, but it must call the *county council* (the old *shire moot*) to its aid directly anything of any great importance has

to be dealt with, and also must appeal to the *Local Government Board* on some matters; also to the *rural district council* it must pay homage, and wait upon its decision. The *tun gemot* was free of all other moots, and when it had sent four representatives to the *hundred gemot* and supplied men in war time, was free to act as it considered best without appealing or taking into account the view of larger bodies. In this the *tun* was in a superior position to the *parish* of to-day, and the *tun moot* had far greater powers than the *parish council*; but it is inevitable with a population which one cannot compare in size with that of twelve hundred years ago with all our means of locomotion, our factories, and various forms of so-called civilisation, that life must become more complicated, more difficult to live, and that as a result our forms of government should tend to grow more complicated and difficult. Thus it is considered easier for each local body to in some sense hang upon those above it, and so form a network of local government all over the country, rather than each town, village, county or city should be absolutely independent in all matters, little

and great. Having glanced briefly at the formation of the *tun moots*, let us now consider carefully the constitution, powers, and duties of our *parish councils*, and what they can and may do, and how they can benefit and beautify village life.

Any man or woman may become a parish councillor who is either a parochial elector of the parish, or who has during the whole of the twelve months preceding the election resided in the parish or within three miles thereof. This, of course, throws the election open to practically anyone who wishes to become a candidate; the parochial electors have one vote for each candidate not exceeding the number to be elected. The *parish council* must meet at least four times a year, one of which meetings is the annual meeting. The public must be admitted to all meetings, unless there is sufficient and definite reason against throwing the meetings open. I do not intend to give a complete list of every power vested in the *parish council*, but to deal with those of the greatest importance, and I will first of all take the holding or management of parish property other than the church. This, of

course, is very important, as is also the holding or management of village greens, or allotment, or land vested in the parish. Perhaps, however, the most important of all the powers is that with regard to allotments. Clause 10 of the Local Government Act, 1894, contains the whole of the powers conferred upon those little parliaments with regard to the hire and purchase of land for this purpose, and runs as follows: "The parish council shall have power to hire land for allotments, and if they are satisfied that allotments are required, and are unable to hire by agreement, on reasonable terms, suitable land for allotments, they shall represent the case to the county council, and the county council shall make an order authorising the parish council to hire compulsorily for allotments, for a period of not less than fourteen years or more than thirty-five years, such land in or near the parish as is specified in the order, and the order shall, as respects confirmation and otherwise, be subject to the like provisions as if it were an order of the county council made under the last preceding section of this Act." From this we see that *parish councils* can hire or purchase—that

is, they may come to a voluntary agreement or use the compulsory clauses. Voluntary agreement, if it be on fair terms, is for many reasons far better than the compulsory clauses. First of all, compulsion means a heavy expense in getting the land, and expense necessarily means higher rents for the allotments, for every *council* must fix its rent at a sum sufficiently high to provide for all outgoings and to leave a small balance for contingencies and possible losses. The powers of the old *vestry* relating to other than church matters have been transferred to the *parish council.*

In the first two and a half years of their existence, December, 1894 to June, 1897, no less than 1,009 parish councils throughout the country obtained land for allotments, hiring 12,967 acres, which was let to 24,389 tenants. Other local authorities, it is interesting to note, acquired 2,851 acres, and in six cases *only* were compulsory powers resorted to. Eight hundred and fifty-two acres have also been obtained for other purposes by parish councils, who have created 113 recreation grounds and 31 burial grounds. The following figures for the *eastern* counties are of interest :—

	Acres.		Parishes.		Tenants.
Norfolk	1,566	in	111	let to	1,629
Lincolnshire ...	1,473	„	89	„	1,703
Isle of Ely ...	432	„	12	„	400
Essex	324	„	43	„	1,486
Cambs.	280	„	17	„	563
Beds.	264	„	14	„	495
Herts.	179	„	14	„	463
Hunts.	84	„	3	„	118
Soke of Peterborough	859	„	4	„	324

Such figures as these require no comment to prove the need of *parish councils* having powers respecting land. Another vastly important matter with which our *parish councils* have power of dealing is that of making complaints as to unhealthy dwellings, obstructive buildings, &c. The *parish council* may report to the rural district council that certain cottages are in an insanitary condition, and that there are obstructive buildings which cause the cottages to be prejudicial to health. (Section 6, sub-section 2.) The *parish council* can call upon the *rural district council* either to see that these cottages are made healthy by the owner or taken down, and it has the same power with regard to obstructive buildings. If the *rural district council* declines, or neglects to take the

necessary proceedings within three months of receiving the report of the medical officer, the *parish council* can petition the Local Government Board for an inquiry into the matter.

Nothing is more important than the question of the *cottages* in our villages; so much depends upon the healthy surroundings of the children (the men and women of to-morrow) physically and morally, and yet is there any matter more difficult to deal with? It is the one question which the villagers are afraid of. If their cottages are condemned, and they are turned out, often there is no other home to go to, and no home means no work, and no work means starvation, and in many cases the workhouse. Then the villagers are afraid of offending the owners, who are often living among them, sometimes as landlord, farmer and employer, and sometimes as the local tradesman, or some man who has saved a little and invested it in cottage property. But as it is, so it must be dealt with, and to make it easier, fuller powers must, and will be in time given direct to the *parish councils* and *rural district councils* to build cottages when necessary, for their own people.

CHAPTER V.

The Housing Act of 1890.

As regards the housing of the working classes in rural districts the "Housing of the Working Classes Act, 1890" has been of little use; in our towns, however, it has been a considerable benefit. In the country districts the steps which the Act require are so numerous, complicated, and costly that rural authorities will not, and indeed *cannot*, as a rule surmount them. Let us climb, in imagination, these steps; and with a view to facilitating this Alp-like ascent, divide them into three groups:—

(1) Adoption of the Act.

(2) Compulsory purchase.

(3) Compensation and payment of expenses.

It is well to bear in mind that these are the steps which may be required for a piece of land worth perhaps £200, or £300, and the building of a dozen labourers' cottages!

Part I. of the "Housing of the Working Classes Act, 1890," which is supposed to enable housing, is wholly permissive, and has no effect whatever until it is formally adopted by the "*Rural District Council.*"

The following is an outline of the toilsome steps, which must be wearily walked before its "*adoption.*" (See section 55.)

(1) Rural District Council *may* apply to the County Council for "certificate" to enable them to adopt the Act.

(2) County Council appoints a person to hold an enquiry.

(3) The enquirer to report that accommodation is necessary; and that there is no likelihood that it will be provided unless the Act is adopted; also that having regard to the liability on the rates, it is "prudent" for the District Council to provide accommodation.

(4) Publication of certificate in one or more newspapers if the County Council think fit.

(5) Wait for next election of Rural District Council, unless the County Council allow immediate adoption in case of "emergency." (This "wait," of course, gives opponents to the

scheme a good opportunity of wrecking the plan at the election. Coming usually from the influential class it is not at all unlikely they may effect it.)

(6) District Council *may* adopt the Act.

Then when the Act is adopted, the District Council may buy land if the landowners will sell it, but if they will not sell suitable land, or ask an exorbitant price, the District Council may obtain powers of *Compulsory Purchase* (section 57). We are now driven to the "Public Health Act, 1875." The process appears to be as follows :—

(1) Advertisements and deposit of plan in November.

(2) Notices to, and enquiries of, all owners, lessees, reputed owners, &c., of land proposed to be taken.

(3) Petition by District Council to the Local Government Board, with detailed statement as to the land, &c., and such evidences as the Local Government Board may require.

(4) Local enquiry by Local Government Board.

(5) Notices of advertisement of proposed order.

(6) Provisional Order by Local Government Board (this order is of no force until confirmed by *Act of Parliament).* Section 297 (3).

(7) If a petition is presented against the Bill it may be referred to a Select Committee of the House of Commons, and the petitioners may appear and oppose, as in the case of Private Bills.

I need not say that the costs of an opposed petition are very great; also it is *very* unusual to make a landowner, opposing the taking of his land, pay.

(8) The same steps to be taken in the House of Lords as in the House of Commons.

(9) Act of Parliament to confirm the Provisional Order of the Local Government Board.

If the District Council should refuse to pay the price the owner puts on his land, the price may be assessed. For this we are driven to the "*Lands Clauses Consolidation Act*, 1845," and to the subsequent statutes amending it.

Of all methods of compulsory purchase known to English law, this is the most costly.

As to the landowners' costs, they are

payable in general by the District Council, thus :—

(1) Costs of landowners' witnesses, and of his solicitors and counsel (unless the arbitrators award the same or a less sum than the District Council offered for the land).

(2) Landowners' costs of making out title, conveyance, &c.

The District Council will, of course, have to pay the costs of their own solicitors, witnesses, and counsel.

In some cases of disputed compensation the money has to be paid into court, and the Council may find itself in for another group of expenses.

In order to raise the money for the expenses, the Rural District Council will have to obtain the sanction of the Local Government Board—meaning another public enquiry.

I have always been strongly of opinion that direct and full powers should be given into the hands of *Parish Councils*, to hire or purchase land, and erect houses for the people in its parish. To this end the "*Housing of the Working Classes Act, 1890*," must be amended as follows, so that the Parish Council have power :—

(I.) To buy or hire land for building purposes ; using the compulsory powers it now has through the Allotments Clauses of the "*Local Government Act, 1894*," except that the consent of the Local Government Board shall be required instead of the consent of the County Council ; and except that the period for which the land may be compulsorily leased shall not be limited.

(*b*) To build cottages without the sanction of any other authority being required.

(*c*) To raise a loan for the purpose, with the consent of the Local Government Board, the period of repayment of such loan to be extended to fifty years.

(*d*) To attach gardens to the cottages, the limit of size of which to be one acre instead of half an acre.

(*e*) *Not less* than one month's notice to quit from Council to tenant, or tenant to Council.

(*f*) To delegate to a Joint Committee of the Parish Council, and Rural District Council, the building and management of the cottages, and in default of action by the Rural District Council, the County Council to exercise such powers.

II. That for the efficient execution of the existing laws relating to sanitation it is advisable that the position of the medical officer of health be made more secure, and that sanitary inspectors should be required to have a certificate of competence.

III. That it be a matter for careful consideration whether it would not be possible to render obligatory a three months' notice to quit from the landlord in all cases of houses in a rural district rated at less than £8 per annum, excepting those on outlying farms, necessary for the use of such farms.

Now let us suppose that the Act is amended as I have suggested, what will be the effect on the three steps ?

Step No. I. will disappear altogether. The Parish Council will be in the position to adopt the Housing Clauses of the Act, just as Town Councils may.

Step No. II. will be greatly shortened. The procedure for compulsory purchase would be much simpler, and as follows :—

(1) There would be an application to the Local Government Board.

(2) The Local Government Board, if satisfied

that land cannot be obtained on reasonable terms by voluntary effort, would hold a public enquiry.

(3) The Local Government Board might make the order for compulsory purchase.

Again; the third step: Compensation and expenses would be reduced in number and difficulty. In cases of disputed compensation, the simple procedure of the "Local Government Act, 1894" would be followed:—

(1) There would be only one arbitrator.

(2) He would have power to disallow all *unnecessary* costs.

(3) There would be no experts or counsel allowed, except in cases prescribed by the Local Government Board.

(4) There would be no extra compensation given for compulsory purchase.

No doubt both the landlord and the lawyer would obtain quite as much as each is fairly entitled to, but still the costs would be kept down to a more reasonable amount than is possible under the present provisions of the Act. It would then be possible for Parish Councils and Rural Sanitary Authorities to press forward sanitation, and, while condemn-

ing insanitary cottages, provide healthy homes in place of those condemned. The statutory provisions for the housing of the poor would be of real living use to the labourers and their families in the country, where depopulation is increasing to such an enormous extent.

Chapter VI.

General Powers of Parish Councils.

The question of *water supply* is of great importance ; also the general sanitary improvement of the parish. Section 8 states that if there is within the parish any well, or spring, or stream, the *council* may itself make use of the natural supply and provide facilities for obtaining water from it. If no convenient supply is available, the *parish council* may apply to the *rural district council*, and press upon it the necessity of undertaking a water scheme. Should the *rural district council* refuse to move, application may be made to the *county council.* Here, again, the *parish council* has insufficient power, and needs more, as may be known from personal experience with regard to the sanitary condition of many parishes. Section 8 states that the *council*

may, on its own authority, deal with any pond, pool, open ditch, drain, or place containing or used for anything unhealthy or prejudicial to health by draining, clearing, or covering it. This is important, and easy to effect. The *parish council* may accept or hold any gifts of property for the benefit of the inhabitants; it may acquire by agreement any rights of way; it may plant or improve any village greens and spaces, and also acquire or provide buildings for public offices.

The powers relating to *charities* must be very carefully studied in section 14, and the difference between ecclesiastical and parochial charities thoroughly understood. The former remains as heretofore in the management of the church, except where the overseers have been *ex-officio* trustees. In this case the *parish council* may appoint persons to take their places. The parochial charities—that is to say, charities left or given to the parish for the people—become vested in the *parish council.* Many of us know something of the difficulties of the charities, their misappropriation, their entire loss, and many interesting cases have been known in which they have been

unearthed and once again put to their proper use for the direct benefit of the people. The only really satisfactory solution will be for the *parish council* itself to actually hold and administer them. At present the *Charity Commissioners* have to be consulted; but if all parishes would use the very useful and important powers they now have, of appointing trustees, and making full inquiries into the accounts, many of the evils would soon disappear.

The preservation of *Rights of Way and Commons* is another important matter. How frequently one sees hedges and fences moved from one side of the ditch to the other, and small pieces of village green captured and enclosed. Strictly speaking, a landlord who takes a right of way or piece of common land is as much a thief as a labourer who steals a sack of potatoes from his master's barn. The parish council has distinct powers relative to *Footpaths* and the *Preservation of Commons* contained in sections 13 and 16. The thirty-fifth report of the "*Enclosure Commissioners*" (1880) tells a shameful tale of three fertile counties.

	Private Appropriation.	For Recreation	For Allotments.
Notts.	... 123 acres	... 8 acres	... 5 acres.
Staffs.	... 5,055 „	... 5 „	... 5 „
Denbigh	... 17,278 „	... 6 „	... 0 „
Total	... 23,956 „	19 „	10 „

What is the moral of all this appropriation of the people's rights? Just this: "We punish swift the man or woman who steals a goose from off the common; but let the greater villain loose who steals the common from the goose."

If the parish council desires to put into force any of the following so-called *Adoptive Acts*, it must obtain the consent of the parish meeting. They are—

(*a*) The Lighting and Watching Act, 1833.

(*b*) The Baths and Wash-houses Act, 1846-82.

(*c*) The Burials Act, 1852-85.

(*d*) Public Improvements Act, 1860.

(*e*) Public Libraries Act, 1892.

A three-quarter majority at the *parish meeting* is necessary for the adoption by the *parish council* of (*a*), (*b*), (*c*), (*d*). The *Lighting and Watching Act* should be of the greatest use in villages; I wish it was more generally put in

force. Parishes may continue to carry out (*b*), and the council may hire or use land belonging to the parish. This Act, of course, could only be put in force in large villages, but possibly, if wash-houses were erected, the washing of clothes would become once more a means of livelihood. The steam laundries which exist in every town of any size, the most detrimental form of cleaning clothes that exists, would then not be supplied, as now, from the big families of the district, who would infinitely prefer to send their things to their village, thereby helping some needy woman to earn 10s. or 11s. a week, but who cannot do so because the art of really good washing has apparently ceased to be known in many of our country villages. Many county councils are teaching laundry work as a part of their technical education scheme. May we not hope that, with their aid, and the opportunity of the erection of wash-houses by the *parish council*, with the consent of the parish meeting, that once again laundry work will be done, and done well, in the villages?

Burials Act.—A burial ground in or near a parish may be provided, land may be pur-

chased by the *parish council*—the payment extending over a term of years—or parish land used, the table of fees to be arranged by the *parish council*, with the approval of the Secretary of State. If the ground is to be used for the interment of Church people and Dissenters, one portion remains unconsecrated, but the Church portion may be consecrated by the bishop of the diocese if he thinks fit. In any case, he must be approached. For the *Public Improvement Act* two-thirds of the votes of the *parish meeting* are necessary in a parish with a population of over five hundred. This Act, as its name implies, touches the general improvement of the village. It provides for the purchase or hire of land for public walks, playgrounds, &c. The rate levied for such improvements must not exceed 6d. in the £, and must be agreed to every year by a majority of two-thirds of the *parish meeting*.

The *Public Libraries Act* may be adopted at a *parish meeting* of the electors by voting papers asking three questions. The object of the Act is to provide public libraries, museums, schools of science and art galleries, and land may be acquired and buildings erected. The

maximum rate which may be levied is 1d. in the £; therefore this Act cannot be adopted except in large places. The expenses incurred under this Act are to be defrayed out of a rate raised with part of the poor rate. In any case, under the adoptive Acts for which money may be borrowed the Public Works Loan Commissioners may advance it on the security of the rates. The *parish council* has the power of spending each year up to a rate of 3d. in the £; but if it thinks fit and desirable to spend more, it must obtain the consent of the *parish meeting*. The accounts of all parochial charities not belonging to the Church must be laid before the *parish meeting* once a year. The *parish council* had, until the passing of the Education Act, the power of making application for a school board in its parish, or for the dissolution of the existing school board. It must now apply to the *county council* as the education authority.

Now once again we must leave the councils of to-day and transport ourselves back to early Britain. Here we find the *Burh moot* of 450 the *urban district council* of 1894. The *burh* or small town was in its origin simply a mere

organised form of the *Tun gemot* or *Township*. Many, probably, in a more defensible position had a ditch or mound instead of the quick set hedge or "tun" from which the township took its name, and as the *Tun* was originally the fenced homestead of the cultivator, the *burh* was the fortified house and courtyard of the mighty man. Other *burhs* were gradually developed out of the *village townships*, or were founded on the *folkland*.

In these, the municipal authority was similar to the free townships. The chief magistrate was a *gerefa*—in mercantile places a *Port gerefa*, in others the *wick* or *Tun gerefa*—who presided in the *Tun moot*, the meeting of all the free men and women, freeholders of the *burh*. Gradually, after the Norman Conquest, and with the growth of feudalism, these smaller bodies disappeared, or existed in name only. The *Tun moot* entirely disappeared until the formation of the *vestry* some three hundred years later. The *Burh moot* practically existed only in name until it became several hundred years later the *local board*, and finally the *urban district council*. In these *Tun moots* and *Burh moots* we have proof that women were

entitled to attend on the same terms as men—freemen and freewomen; but no proof of whether they were eligible for the office of *Tun gereſa* or *headsman* in the *Tun moot*, or *port, wick*, or *Tun gerefa* in the *Burh moot*. At any rate, it is an indisputable fact that the position which women have gradually, with pain and difficulty, won for themselves upon the local governing bodies of to-day, created in 1894, the school board and the board of guardians of 1870 and 1872, are no *new* positions, but akin to those they occupied as early as 450 and for many years afterwards. And which they lost, as can be understood, when the smaller bodies, the *Tun moot* and *Burh moot*, ceased to exist, and when a share in the government of their country meant travelling a long distance to the chief places in the *shire*—to such places as Winchester and St. Albans, where the important councils were held, necessitating days of travelling and discomfort, and an amount of time which it would be impossible for them to spare from their homes, which have always rightly constituted their first claim.

Local Boards.—In 1875 *local boards* were formed to do the work which has now been

handed over to the *urban district councils*, and all the statutes affecting them were consolidated in the Public Health Act, 1875. The qualifications for members of the board were as follows :—In a district with less than 20,000 population, a £500 property qualification, or a £15 rating, was necessary; in a district with 20,000 and upwards, a £1,000 property qualification or a £30 rating qualification for an elector. A man had either to be "owner" or "ratepayer" in the district. Under the term "owner" was included every person occupying property rateable to the poor rate. The election was by voting papers, and the voting at the rate of one for every £50 rating up to six votes. All matters dealing with the *town* were considered by the board, but, as we have seen, both *vestries* and *local boards* could only be composed of the well-to-do.

Having glanced at the organisation and formation of the old *Burh moot* and *Local board*, we will turn to the constitution, power, and duties of the *Urban district council*, between 8,000 and 9,000 of which exist to-day. Until the year 1894, a man (for only men were eligible) could only become a member of a

Local board if he possessed a property qualification. When the *Urban district council* took the place of the *Local board*, all this was changed, and now any man or woman may become an urban district councillor if he or she is a parochial elector, or has resided for twelve months within the district. The parochial electors who are entitled to vote are the electors of every parish within the district, each having one vote, which is given by ballot. No elector may give more than one vote for each candidate. The chairman may be chosen from among the councillors or from outside the council, and, unless a woman, becomes a magistrate for the time being. The *urban district council* sits for three years, one-third of the members retiring each year. In the days of the *local board* the voting was done by papers delivered from door to door—an impossible way of securing a fair and just return.

Powers.—The old powers of the *Local boards* have become the duties of the *Urban district council.* They have the power of looking after all public footpaths, and rights of way, and roadside wastes, power to keep the rights of commons and to make rules for their use, the

power of purchasing land for allotments. The provisions already cited with regard to the powers relating to land for recreation grounds, public buildings, &c.,—these provisions are identical with those of the parish council. The *Urban district council* may apply to the *Local Government Board* for any or all of the powers possessed by the *parish councils.* This is exceedingly valuable, for many of the powers granted to *parish councils* through the parish meeting are more easily undertaken by larger places ; for instance, the *adoptive Acts*, many of which would be most useful in small towns. What is more calculated to benefit both men and women than a good gymnasium and swimming bath? The difficulty of adopting the *adoptive Acts* in villages lies in the question of expense ; this does not apply in towns with a fair population, and where public interest and desire for improvement, and benefit of the town, naturally exists to a much greater extent. In dealing with these matters, we must not forget the question of finance. Up to £6 may be spent, but in executing additional powers the expenses are defrayed out of the borough rate

or fund in the case of a borough, or out of the district fund or general rate in the case of a district. The powers, duties, and liabilities of the overseers may be granted, and also the power to appoint overseers or assistant overseers. Also the powers, duties, and liabilities which formerly belonged to justices out of sessions. The powers, duties, and liabilities of quarter sessions in relation to the licensing of knackers—this would probably only apply to large towns. A woman may become chairman of a parish council, and many women have acted in this capacity. They may also (there are several cases) become chairman of an urban district council ; but if they act as such, they do not have the right as a man in the same office of acting as a justice of the peace, for the time being.

I hope I have pointed out clearly some of the powers of these two bodies, and in conclusion, let me say that they were created with the intention of benefiting and beautifying our villages and towns, of bringing more life, responsibility, and happiness to those who for years (ever since shortly after the Norman Conquest) have had no direct influence in the life of the

places they live in, and who have been managed, themselves, and their villages, and towns, almost entirely by the rich and influential. *John Bright* years ago wrote : " I cannot countenance the reverence paid by the people to those who oppress, grind them down, and scourge them. I hope the day will come when they will throw off the burdens by which they are oppressed by the aristocracy, and stand forth the bravest and the most virtuous people on the face of the earth." Dependence and irresponsibility have brought the people—the backbone of our nation, the tillers of the soil, the wealth-makers of this country—to a state of semi-servitude, more especially in our villages. Give them responsibility, independence, and show them, as the Local Government Act of 1894 clearly indicates, that upon them directly the good or bad government of the village or town depends, and we shall again rejoice in an independent, free, virtuous people—the makers of their own fortunes and the glory of agricultural and manufacturing England.

Chapter VII.

The Shire Moot and County Council.

The division into shires is of very ancient origin. In Wessex it dates from the seventh century. The *Shire* was composed of the *Hundreds*, or, in East Anglian dialect, the *Wapentakes*, and the government of the shire was administered concurrently by the *Ealdorman*, *Scir gerefa*, or *Sheriff* (the *principes* of Tacitus, and the *Comes* of the Norman). He was originally elected in the general assembly of the nation, but there was a constant and increasing tendency to make the office of the *Ealdorman* hereditary in certain great families. Thus we see that the *Shire moot* was not conducted on such democratic lines as the *Tun moot*, and *Burh moot*, where the headman, the *Gerefa*, was chosen by the freemen and freewomen, and birth and position did not enter into the question of his capability of serving his fellows. On the annexation of an

under kingdom, the *Ealdormanship* generally became hereditary in the old Royal houses, but in all cases up to the time of the Norman Conquest, the consent of the King and *Witan, Curia Regis* or *National Council*—our *Parliament* of to-day was required at each change of office. Sometimes the administration of several shires fell to one *Ealdorman*, but this arrangement did not involve the amalgamation of the separate organisations of each shire.

The *Sheriff*, or, as he was termed after the Norman Conquest, the *Vice-Comes*, was the special representative of the regal or central authority, and was, as a rule, nominated by the King. He was judicial president to the *Scir gemot*, or *Shire moot*—executor of the law and steward of the Royal domains. At first the *Sheriff* seems to have exercised co-ordinate authority with the *Ealdorman*, but gradually the administration became almost entirely concentrated in the *Ealdorman* alone, leaving to the *Sheriff* as his principal function, the command of the military force of the shire. Unlike the office of *Ealdorman*, the office of *Sheriff* never became hereditary, and this

circumstance was productive of important constitutional effects. After the Norman Conquest, the Kings found, ready to hand, a machinery which enabled them to effectually assert the central authority in every shire, and thus to check the growth of local feudal jurisdictions. London from time immemorial has always occupied an exceptional position, and has from early days been divided into wards, answering to the hundreds of the shires; each having its own *Ward moot*, equivalent to the *Hundred court* of the hundreds, and its elected *Ealdorman* of the chief municipal court, which was the general assembly of the citizens, and was called the *Hus-thing*, from which the modern name *Husting*, probably of Danish origin, comes, and which signifies a court or assembly in a house, as distinguished from that in the open air—the *Moots*, which met round the sacred tree, or on the moot hill, and always in the open.

Ecclesiastical bodies, solely for the government of Church matters, were formed throughout the country about this time, and have existed to the present day. Unlike the *Tun*

moot, and to some extent the *Burh moot*, the *Shire moot* remained for many hundreds of years, and played an important part in the history of this country in sending representatives of the shire to the general assemblies. In 1226 to Lincoln, in 1246 to London, and in 1254 to Westminster. The representatives of the shires also took an active part in the *Mad Parliament.* It is interesting to see how many of the powers and duties of these early days of 450 still exist. The whole business of the *shire* was, as we have seen, managed by the *Shire moot*, both civil and military, through the *sheriff* and the *ealdorman.* It is very interesting to note that women frequently held important positions in the *shire* and elsewhere. Let me give a few instances. Nichola de la Haye succeeded her husband as custodian of Lincoln Castle, and was sheriff of the county (reigns of John and Henry III.); Ela, Countess of Salisbury, held the office of High Sheriff of Wilts, and had charge of Castle Sarum (Henry III.); Alicia de Poigod succeeded her husband, Roger, in the office of Marshal (Edward III.); Margaret, Countess of Richmond, mother of Henry VII., was a magistrate;

Lady Berkely was appointed a justice of the peace for Gloucester (Queen Mary's reign). It only proves once again that women have lost their old rights, and that they are now struggling for old liberties, old positions, and not new rights and offices. In 1264 the *Towns* began to revive from the effects of the Norman Conquest, and from their position of semi-servitude slowly attained to the possession of liberty, wealth, and political franchise; as they increased in population and riches, charters of liberty were given to the more important of them. The burghers began to purchase land in the boroughs, and thus acquired the freehold of their houses and tenements in *Burgage tenure*, which was analogous to that of *Free socage*, being subject only to the suzerainty of the lord, and to a fixed annual rent payable to him. During the two hundred years after the Norman Conquest, the citizens and burgesses were able to extort, as a result of the pecuniary necessities of the King, charters of liberties, varying greatly in extent, but all conceding more or less self-government, through the medium of elected and representative magistrates. The most important

charters were those granted by Henry I., Henry II., Richard I., and John.

From this time forward the *boroughs* seem to have begun an independent municipal history, dating from the growth of the wool trade under Henry I. A great number of towns obtained rights of self-government, but at first municipal life was on a very humble scale, the largest boroughs in the year 1300 probably only containing four or five thousand inhabitants. It was not until the middle of the fourteenth century that the towns, entering on a larger industrial activity, began to free themselves from their early squalor and misery.

Perhaps no dispute has raged more fiercely in all countries than the dispute as to what qualifications should make a man fit to take part in the government of his state. To each individual burgher, in these days of the thirteenth and fourteenth century, the franchise meant a sort of carefully adjusted bargain by which he compounded by paying certain tolls, by undertaking to do work, and work, too, which might be both costly and laborious, for the community. The body of *citizens* was a small

one, and every man in it was liable to at some time or other be called upon to take part in public service.

A good example of the primitive form of municipal institutions in the *boroughs* is that of *Ipswich.* It is stated that on June 29th, 1200, "the *whole* community of the borough elected the two baliffs, by whom it was to be governed, and four coroners," whose business it was to keep the pleas of the Crown, and see that the bailiffs treat rich and poor justly; and on the same day by common counsel of the town it was ordered that there should be "twelve sworn capital portmen, just as there are in other boroughs in England, who are to have full power to govern and uphold the said borough with all its liberties, to render the judgments of the town, and to ordain and do all things necessary for the maintenance of its honour."

From this moment "the community," as it were, unclothed itself of power, to lay it on the shoulders of the baliffs and coroners, who thereupon proceeded to act with all the authority with which they had been endowed. They first appointed four approved and lawful

men of each parish, who in their turn elected the twelve portmen. This being done, bailiffs, coroners, and portmen met—a little company of twelve to make ordinances about the collection of customs, and the police officers by whom their decrees were to be carried out. In due time the whole community was called together to give their assent, and consent, to these ordinances. They once more assembled to bestow a portion of their common land on the portmen in return for their labour in the common service, and to agree that all the laws and free customs of the town should be entered in a Domesday Roll to be kept by the baliffs.

Here, then, we have the simplest form of government in our towns, a council of twelve "worthy and efficient men" to assist the mayor or baliffs in the administration of the town, and controlled by a *referendum* to the general body of burghers. For in the original idea of the free borough and town, every public act was supposed to require the legal consent of the whole community in their common assembly—both men and women. For the development of its liberties each borough was left to depend on its own resources.

The *Villages* or *Tuns* remained small and unimportant, and after the Norman Conquest were not considered or looked after. The *Tun moot* gradually ceased to exist, and after a time was, to some extent, replaced by the *vestry* (common or select). I say to some extent, because each local governing body, prior to the Norman Conquest, and of Teutonic origin, was a purely democratic body of freemen and freewomen. That is to say, composed of all but *Slaves and Sinners* (for we hear of freemen being punished for crime by losing their freedom), they all attended and chose as openly as our parish meetings of to-day, the *Gereja* or *Headsman*, who was to conduct their business, and probably voted for him with far less fear than in the *parish meeting* of the twentieth century. This democratic form of government existed alike in village (the *Tun*), in *Burgh* (or larger village, eventually becoming town or borough, as the name signifies), in the *Hundreds*, or *Wapentakes*, and in the *Shires*. The latter was certainly the least democratic of all, for early in its history we find that the tendency crept in to make the office of *ealdorman* hereditary in some of the

great families, while in the other *Moots* wealth and noble blood did not of itself lead to office.

As in the case of the counties, so in that of the boroughs representative machinery was first employed for judicial and financial purposes before its extension to the domain of politics. In the *Shire Moot* all the national elements have from time immemorial been wont to meet together—the *Bishops* and other dignified clergy, the *Earls*, *Ceorls*, *Barons*, *Knights*, and *Freeholders*—in person, the township being represented by the *Tun gerefa* and four chosen representatives. The number of representatives was increased in 1231, when Henry I. issued a writ to the *Sheriff* of Yorkshire directing him to send twelve lawful *burgesses*, as well as four chosen representatives and the *gerefa* of the county.

We have seen that each *Moot* had its own government and made its own laws; but as time went on the *Burghs* sent representatives to the *Shire moots* and to the *National Assembly*. In 1835 the large towns became municipal boroughs, *i.e.*, boroughs governed under the *Municipal Corporations Act of 1835*,

and the more important have become cities, with a *city council* and a *lord mayor*. Large towns with *urban district councils* are pretty frequently incorporated into boroughs under the *Municipal Corporations Act of 1882*. There are some hundred and fifty ancient boroughs which do not come under the Act; many of them important places years ago are now nothing more than small country towns, never having increased in population or trade, and frequently decreasing. The history of these old boroughs in the middle ages is of great interest. Many of them have justices of their own by charter or prescription, and some of them retain a separate licensing jurisdiction. The Act of 1883 provided that all these places should in 1886 cease to be corporate boroughs, and lose their franchise unless within a certain time charters were granted applying the *Municipal Corporations Acts to* any of these places, thus placing all old English boroughs, with the exception of London, under the same law.

The granting of charters of incorporation to growing towns, thereby changing their form of government from an *urban district council* to a

town council, has a very serious aspect as regards women. The *Municipal Corporations Act of 1835* and the amending Acts, which were consolidated by the Act of 1882, did not give women the right to sit upon *town councils*, and only widows and spinsters having the necessary qualification, *i.e.*, ratepayers and householders, were given a vote. But under the *Local Government Act of 1894*, women were given the same opportunity of serving upon urban district councils and parish councils as men, the only qualification being residence twelve months previous to the election within the district covered by the *urban district council*, or residence within three miles of the parish in the case of a *parish council*, or in either case the qualification of being a parochial elector. As regards voting, any woman who is a resident householder may vote, whether she be married, or single, or widowed. When these towns cease to be *urban district councils*, the women who have hitherto been able to sit upon the council—and there are many women acting in this capacity—lose their right, and no longer have the power to act, and further, as I have already pointed out, as only widows and

spinsters may vote, qualified married women lose the vote for the *town council* which they gave to the urban district council. This is not only serious, but absurd. If women are capable of taking their share in the government of their villages and small towns, is there any good reason or argument against their taking their share in the government of a larger town or of their county?

The change of name from urban district council, with its chairman and vice-chairman (the former for the time being a justice of the peace) to town council, with its mayor and corporation, *i.e.*, the aldermen and councillors, signifies but little change in the powers and duties. It is merely that the town council is for a large town, the urban district council for a small one—just as the parish council is for the smaller place, the village. The urban district council is often nothing more than a big village, and as places increase, responsibilities and duties also increase. But new powers should not exclude women from serving or voting if they are admitted to be capable of doing good work, and this has been admittedly proved on the bodies created in 1894. It is merely a

matter of amending the Municipal Corporations Act of 1882, and giving women the same qualification as men for voting and election, which they now have under the Local Government Act of 1894, and amending the County Council Act of 1888 to the same effect.

Chapter VIII.

Town and City Councils.

Now, having briefly reviewed the local governing bodies of our boroughs and of our towns and shires in the past, we will consider the powers and duties of town and city councils, and then of county councils.

Any man who is a householder, *i.e.*, whose name appears as an occupier of any house, warehouse, &c., or who has lived within the area of the town or city for twelve months, is eligible for election, and the same qualification, with the exception of residence, applies to electors. The qualifications for the county councillors and county council electors are the same as for town councils and city councils. I have already given the voting qualification for women. The *town* and *city council* consists of councillors and aldermen, the latter chosen by the former in the proportion of one-third of the number of councillors. The

council is elected for three years, the aldermen for six, and the mayor for one year. The *council* appoints a town clerk, a treasurer, and other necessary officers, and general or special committees of its own members for various purposes, and in *some* cases of outside members, men and women. The principal functions of these councils are under the *Municipal Corporations Act, 1882*, and include the transfer of the administrative business of quarter sessions, which includes the making, assessing, and levying of county rates, borrowing of money, and the licensing of houses for music and dancing. The provision, enlargement, maintenance, and visitation of and dealing with lunatic asylums for pauper lunatics; the establishment and maintenance of and the contribution to reformatories and industrial schools. The appointment of coroners; entire maintenance of main roads; power to oppose Bills in Parliament; power to make bye-laws; to appoint new officers of health; the housing of the poor and the administration of the Artisans' Dwellings Act; the protection of wild birds. The Act for regulating cow-houses and dairies, from which

a supply of pure milk from healthy sources is ensured; Infant Life Protection Act; technical education; and practically the whole administrative business of the county. It is difficult to attempt to enumerate all the powers of this body, and only possible to give those which appear to be of the greatest importance.

Every elector should carefully choose the right men to represent him or her on the council, seeing that there is such important work to be carried through. Does it not seem somewhat absurd to think of such questions as the *Infant Life Protection Act*, the management and control of *lunatic asylums* in which men and women are received, the management and control of *reformatories* and *industrial schools*, and the administration of *technical schools* for boys, girls, and men and women—does it not appear contrary to all practical common sense that men alone should sit in council upon such questions as I have cited, and the many others in which men and women are equally concerned and equally interested? But these questions in particular would seem to demand the knowledge and help of women as well as that of men. Let us look a little more closely at one or two of them.

The Infant Life Protection Act.—Under this Act it is the duty of the councillors to appoint inspectors to visit baby farms, to generally see that these places (which have always been a great difficulty to control properly) are well managed. We have all of us from time to time heard of sad cases and terrible neglect, and often death of children in these places. Surely this is women's work, and we might reasonably expect that it would be far more effectively carried out by women than by men. In *London* the *County Council* has made a step forward by appointing a woman as inspector, but would it not be far easier for her and far more useful if, instead of reporting to men only, she could report to women as well as men, and feel that women with men would consider the report she drafts.

The Housing of the Poor and Administration of the Artisans' Dwellings Act.—Here, again, there is grave need for women upon our *county councils.* The first attempt to deal with the lowest and poorest homes in the London slums was made long before the *County Council* existed by a woman whose name is known to all—Miss Octavia Hill, about the

year 1865. No sooner was Miss Cons, who had been her co-worker, elected an alderman of the first *London County Council* than her colleagues (who, with the exception of Lady Sandhurst and Miss Jane Cobden, were men), put her upon the Housing Commission of the Council, thereby showing that they recognised the need of a woman in dealing with such questions. We all remember the result of the *London County Council* election in 1889—how Lady Sandhurst and Miss Jane Cobden were elected to that body by majorities of nearly three hundred over the candidates next below them, to serve with one hundred and fifteen men, Miss Cons being elected from outside. The case that followed, and their ejection from that position, is too well known to bear repetition; but it is a welcome fact that the Council has on many occasions since passed votes asking for the admission of women to the Council.

With regard to the administration of *technical education*, take the average county. What instruction does it provide? Woodwork, metal work, wood carving, basket work, numerous lectures, plaiting, cookery, laundry work, dressmaking—and scholarships are

awarded. Such subjects as straw plaiting, nursing, cookery, dressmaking, and laundry work need to be taught and overlooked by women, and, further, the teachers ought to be chosen by women, not by men. What can the average county councillor know of the claims of different women to teach such purely womanly occupations? Very little, if anything. Of the one hundred and twenty-eight county councils of England and Wales, almost all of them have appointed technical instruction committees, and they may be divided into three classes:—(1) Those committees, sixty-eight in all, consisting of councillors only; (2) forty-six committees composed of councillors and other *male* members; (3) fourteen committees which consist of councillors and other members, *including women.*

In 1902 the "*Midwives Act*" was passed, and comes into operation in different sections between April 1st of this year and April 1st, 1910. The object of the Act is to secure the better training and supervision of midwives by the establishment of a system of certification and enrolment of women who are properly qualified to act in that capacity. A Central

Midwives' Board has been constituted, who, as the central authority for carrying the Act into effect, possesses jurisdiction with regard to the issue of certificates and the admission of midwives to the roll, and exercises a general control over the practice of such persons. Upon this Board there are three women and seven men.

The county and county borough councils are the local supervising authorities under the Act over the midwives within the area of the county or county borough, and may delegate, with or without any restrictions or conditions, as they may think fit, any powers or duties conferred or imposed on them by or in pursuance of this Act to a committee appointed by them, and consisting either wholly or partly of members of the council, and women are eligible to serve on any such committees. The council may delegate any duties or powers under the Act to a district council within the county area, and upon the committees appointed by the district council women are eligible to serve.

In 1902 an *Education Act* was passed, which abolished school boards as we have known

them since 1870, and placed all elementary schools under the *county council* of the area in which those schools are situated. The new *education authority* in each county is now the *county council*, or in a *county borough* the *town council*. For the purposes of elementary education all boroughs with 10,000 population and all urban districts with 20,000 population in each county area are themselves the local education authorities. Every *education authority* in a county or county borough must establish an education committee. A majority of the members of the education committee must be elected by the council, and be members of the county or county borough council, except in the case of a county, or if the county council determines otherwise. There may be outside members nominated or recommended, persons of experience in education. Each *council* draws up its own scheme of education for the schools, now all of them under its control, and their scheme, which must receive sanction from the *Education Department*, must provide for the inclusion of women on the education committee. Up to the passing of this Act women in large numbers have served

on school boards, taking their chance of election at the polls with men. High testimony has been given ungrudgingly to the work which they have carried on since 1870, and which cannot be denied as being peculiarly fitting work for women. Under the *Education Act of 1902*, women—ineligible as members of *county councils*—lose entirely the right to appeal as heretofore to the electorate as to whether they shall serve them for educational purposes, and the electorate lose the right of choosing women to serve them on the committee constituted or established by the *education authority*—the *county council.* The Act says, women must be included on the *education committee*, and some *county councils*, through their committees, have been wise enough to invite *several* women to act with them and carry out the scheme of education for the county. The weakness lies in women no longer being able to be *elected* to serve, but only being *invited* by the county council to *act* with them, and further, in the fact that the *education schemes* for the counties are drafted by the *education authority* (*county council*), by the county councillors alone (*i.e.*, no women).

Therefore it is only when the scheme is actually framed and *decided upon*, and the committee formed to carry it through, that women come on to the committees, having, therefore, no hand in the formation of the scheme to which they are now called to help in the administration.

For every school there is a body of managers to carry on the school. Women may be, as heretofore, school managers. The *board schools*, now called "*provided*" or "*council*" *schools*, have as a rule four managers appointed by the county council, and two by the *borough*, *urban district*, or *parish council* (or *parish meeting*), as the case may be, for the area served by the school. "*Non-provided*" or "*voluntary*" *schools* have usually four managers privately appointed by the owners of the school buildings, and, in the case of a county, one by the *county council* and one by the *borough*, *urban district*, or *parish council* (or *parish meeting*). The vastly important work of education is, therefore, now handed over entirely to the *county councils* of this country, and the extra work thereby given to them is immense. It would seem as if the old idea of the *Shire*

moot, where *all* matters concerning the shire were decided and managed, was again giving expression in the *county councils* of to-day, as well as in the various other *councils*, and that the old Teutonic idea of each place, however small, governing itself is once again reappearing. True it certainly is, that more and more power is being given to our local councils to rule the area over which their members are elected as governors. Are we not gaining by experience of 1,600 years ago, or copying (that may be a better way of putting it) from the system of local government of the Teutonic period?

Chapter IX.

London: Its History and Government.

In early days the importance of *London* was realised, and the value of its situation, both as a military and a commercial centre. In A.D. 886 King Alfred repeopled London, rebuilt its walls, and founded a new city on the site of the ancient Roman colony. He was the first monarch to organise London as a county to itself, enclosed within walls, and as a separate county London has existed to the present day, with privileges quite apart from any other towns or cities.

None of her institutions show any trace of Roman origin; they were all of the type with which we are familiar in the Saxon shires. King Alfred appointed his son-in-law, Ethelred, as *Ealdorman* of the shire of London, and strangers from all parts—Saxons, Danes, Frenchmen and Germans—came and settled in the new and important town. Under later Saxon Kings

the organisation of London continued aristocratic; the Sovereign appointing the *Chief Officer*, or *Port-Reeve*, as he was subsequently called. Under him the government was exclusively in the hands of those who owned land within the City walls. William the Conqueror realised the necessity of making terms and keeping on a friendly footing with London, and in order to effect this he wrote a "friendly" letter (which is still preserved in the archives of the City at the Guildhall) to "William, Bishop, and Gosfrith, port-reeve, and all the burghers within London, French and English," promising that all should be "law-worthy, that were so in the days of King Edward the Confessor"; that every child should be his father's heir according to Saxon custom, and that he would not suffer any man to do them wrong.

In all disputes between rival claimants for power in England, the City of London was generally shrewd enough to choose the winning side. Hence it has acquired privileges, such as the right to hold its own courts, elect its own officers, &c.

Increasing in trade and population, winning

charters of liberties, and gaining ever in power and influence, London very gradually became important, and outgrew the simple form of government—the *Court* and *Ealdorman*—of early days, the *Port Reeve* of William I., and the *Ward moots* of a little later, and the *Vestries* of the middle ages.

In 1855 it was found that there must be some central authority for greater London, to deal with matters which affect more parishes than one. And accordingly the *Metropolitan Board of Works* was created to carry out improvements, to control the main drainage, to regulate the streets and bridges, and to manage the fire brigade. This Board had 46 members, selected on a bad principle. They were elected by the various Vestries and District Boards, and not by the ratepayers direct. The Metropolitan Board lived but a few years (no longer than it deserved), and no one regretted its abolition in 1888, when its place was taken by the newly-created *London County Council*, which held its first meeting in March, 1899, with Lord Rosebery as chairman.

The *London County Council* consists of 118 Councillors, 19 Aldermen, and a Chairman,

who may or may not be already an Alderman or Councillor. Its members therefore number 137 or 138. The Councillors are elected directly by the ratepayers, *four* for the City of London, and *two* for each of the fifty-seven other Parliamentary Divisions of the Metropolis. They serve for three years, and *all* retire together. The Aldermen, elected by the Councillors at their first sitting, serve for six, nine or ten years, retiring every alternate three years. The Chairman, like the chairmen of Urban District Councils and Town Councils, is a magistrate during his tenure of office.

The *London County Council* has of course all the powers and duties of an ordinary County Council, and has also succeeded to the powers, duties and liabilities of the late *Metropolitan Board of Works*, whose place it now takes.

All County Buildings, Pauper Lunatic Asylums, Reformatories and Industrial Schools were transferred by the *Local Government Act of 1888* from the County Justices to the *London County Council*, and also the power of granting licenses for music and dancing in the

Metropolis (including the City), and licenses for theatres beyond the limits controlled by the Lord Chamberlain. It also licenses slaughter-houses and cow-houses, and supervises common lodging houses, and has certain highway powers.

New powers are constantly being conferred on the *London County Council.* Outside the City it is the local authority whose duty it is to appoint Inspectors under the Shop Hours Act, 1892—5, to enforce the Infant Life Protection Act, 1897, to regulate overhead wires and sky signs, under two Acts passed in 1891. Many other important duties, such as the regulation of street trading by children, &c., come under their supervision and regulation.

But the most important power given to the *London County Council* is without doubt the latest addition through the passing of the *Education Act (London)*, 1903. The Act abolishes the *London School Board* and makes the *London County Council* the Education Authority for London.

The Act is a measure to extend and adapt the Education Act, 1902, to London. The effect of that Act has been to render women

ineligible to serve on Education Authorities throughout England and Wales, except in a few of the most populous urban districts. The effect of the London Education Act will be similarly disabling for women.

The Act abolishes the London School Board, and makes the London County Council the Education Authority for London, though with less full powers than the Education Authorities created by the Act of 1902.

The Act empowers the London County Council to appoint an advisory Education Committee, and to delegate to such Committee, with or without restrictions, as they see fit, any of their powers under the Bill except the power of raising a rate or borrowing money. The clause in the draft Bill which specified the constitution of the Education Committee was struck out, and the Committee must be constituted by scheme, as under the Act of 1902.

Exactly as under the Act of 1902, women will have no place on the new Authority. The scheme for the appointment of the Committee is to provide "*for the inclusion of women as well as men among the members of the*

Committee," and also "*for the appointment by the Council, on the nomination or recommendation, where it appears desirable, of other bodies (including associations of voluntary schools), of persons of experience in education, and of persons acquainted with the needs of the various kinds of schools in the area for which the Council acts,*" these provisions of last year's Act being incorporated in the London Act.

There are now nine women on the London School Board, having the authority of that position, for the work of administering elementary "provided" schools. When the Act comes into force, a woman or women, appointed, not elected, will have to attempt vastly increased work, which will include administering the "Voluntary Schools" and higher and technical education, as well as the present work of the London School Board!

There are many drawbacks to the efficiency of a woman appointed to serve on the Education Committee as compared with that of a member of the same Committee who is also a member of the Authority. Two of the principal are :—

(i.) That, when a report of the Education Committee comes before the Authority which holds the purse, and it is a question of allotting a limited sum of money among various projects recommended by the Committee, there is no woman present to support recommendations in which the interests of women and girls are specially involved, as against competing claims.

(ii.) That no woman member of the Committee can appeal to the electorate on any question.

With the abolition of the School Board, the School Board managers will cease to exist.

Women now form nearly one-third of the managers of the 459 day Board Schools, and two-thirds of the managers of the Schools for Defective Children.

The Act provides that each London Borough Council shall decide the number of managers on the body or bodies of managers for "provided" schools within its area and appoint two-thirds the number,—the London County Council to appoint the remaining

third, and that of each body of managers not less than one-third shall be women. This provision would be quite satisfactory if the appointed bodies consisted of both men and women.

The Act will come into force on May 1st, 1904, or within twelve months of that day.

Until something less than two years ago it would have been thought impossible that women should be deprived of the opportunity of co-operating on the same terms as men in the administration of education—a deprivation which arbitrarily restricts the choice of the electorate, and is a wrong to the children in the schools.

The position of women among the managers of the "provided schools" is, however, better under this Act than under that of the Act of last year, for in the Act of 1903 it was provided that not less than one-third of the whole body of managers must be women, but in the Act of 1902 there is no compulsory provision made for women acting as managers. There is no difference between the two Acts in the position of women on the Education Committees.

On May 24th, 1898, the Local Government

and Taxation Committee of the "*London County Council*" reported that they had under consideration a petition from the "*Women's Local Government Society*," in favour of legislation to make it lawful for women to be elected to act upon County Councils.

The Committee were of opinion that it would be a distinct advantage to obtain the co-operation of women in the work of the Council, and they thought that if constituencies wished to elect women there should be nothing to prevent them. The Committee accordingly recommended "That a petition be presented to both Houses of Parliament, praying that steps be taken for enabling women to be elected to and serve on County Councils in the same manner and on the same conditions as men, and that it be referred to the Parliamentary Committee to give effect to this resolution."

The recommendation was agreed to without discussion, and again in this year (1903) an identical recommendation was similarly agreed to without discussion by the *London County Council* on the 28th July. The following are some of the reasons set forth in the petition,

why women are needed in the government of London :—

I. That in 1889, and again in 1892, the London County Council, by a large majority on each occasion, resolved to petition Parliament in favour of legislation to enable women to serve on County Councils, and did so petition.

II. That such change in the law has still to be obtained, and that the arguments for it in 1898 are even stronger than they have been in earlier years, inasmuch as a far larger number of women have now given proof of capacity for administrative work, as Guardians, as Members of School Boards, as Parish and District Councillors, and as Members of Vestries.

III. That, in the work of County Councils, the co-operation of women is especially to be desired in connection with Lunatic Asylums having female inmates, with Industrial Schools, with Baby Farms (in the County of London), with Common Lodging Houses, with the Housing of the Working Classes, and with Technical Education.

IV. That, if constituencies do desire to elect a woman, there is no reason for preventing them from doing so.

V. That there is no public body which can speak on this subject with as much weight as can the London County Council, on which for a short space of time three ladies served, two elected respectively by the constituencies of Brixton, and Bow and Bromley, and one appointed an Alderman by the choice of the London County Council itself.

VI. And last, but not least, That women are now debarred from taking a direct share in the management of the education of the children, seeing that they are ineligible for the office of County Councillors, and that the Education Authority, by the passing of the Act of 1903, makes the London County Council the Education Authority, to which women are ineligible.

There are 113 parishes within the limits of the City of London: outside the City boundary, but yet within the metropolis, lie 78

parishes and places governed until the year 1899 by *Vestries* and *District Boards.* Twenty-nine large single parishes were ruled by *Vestries.*

These *Vestries* and *District Boards* were the Sanitary Authorities for their respective areas. They superintended the removal of nuisances, the lighting, paving, watering, and cleansing of the streets ; and many other important powers were vested in them. The members were elected by the parochial electors of each parish, the only qualification for election necessary—residence during the whole of twelve months preceding the election, within the parish ; or being an elector of the parish. No person was disqualified by sex from being a London vestryman.

The members of the *District Boards* were elected by the *Vestries* of the combined parishes. Their constitution closely resembled the *Vestries for single parishes.*

Women were eligible for these bodies also.

In 1899 the *London Government Act* was passed. The vestries ceased to exist, and their place was taken by the new *London Borough Councils,* in whom was vested the old duties

and liabilities of the vestries, and some additional and important powers.

As women are at the present time unable to serve on the council of a borough, but only on the council of urban and rural districts, and parishes, the change of name, slight change of duties (or rather the additional duties given) prevented them from acting on the new councils. The work hitherto done by them is now in the hands of men alone, a very serious matter both for the population of London, and the women who had devoted time and energy and common sense to this important work. Let us see why women were necessary on the *Vestries*, and why they are still necessary, and should be made eligible for the *London Borough Councils.*

1—Because the Councils are the Sanitary Authorities, and the matters with which they have to deal concern the public health and the homes of the people.

2—Because the assistance of women is essential for the effective sanitary supervision of premises to which men cannot suitably be sent, including lavatories for women.

3—Because, for the foregoing reason, the appointment by the Councils of women sanitary inspectors is becoming general, and these officers work at women a disadvantage unless there are as members of the Public Health Committee to which they report.

4—Because one of the main duties of the Councils is to provide for the housing of the working classes, and "*Women are as necessary for the purpose of assisting these local bodies to provide decent lodging for the working classes, as they are for the purpose of administering the Poor Law.*" — (LORD SALISBURY, 26th June, 1899.)

5—Because the Councils have the control of common lodging houses for men and women.

6—Because the Councils can suppress disorderly houses.

7—Because careful control is necessary in respect to those open spaces which are used as playgrounds by children.

8—Because the arrangements for women in baths and wash-houses require the

supervision of women, as also do the special provisions made for School Board children using the swimming baths.

9—Because the local charities include such matters as the apprenticing of the daughters of poor parishioners.

10—Because women are, in general, accustomed to attend to detail in expenditure, and this tends to economy.

11—Because women did good work on the London vestries, and every variety of power ought still to be placed at the service of the people.

12—Last, but not least, Because the electors ought not to be arbitrarily restricted to one sex in their choice of representatives.

Under the *London Education Act*, 1903, the London Borough Councils will have powers as to the management and sites of "provided schools," and will appoint two-thirds of each body of managers, the County Council appointing the remaining one-third. One-third of each body of managers must be women according to the Act. It is therefore clear that the

endowment of the *London Borough Councils* with these additional powers in relation to education, renders even more necessary than before the presence of women on the *Councils.* To assist not only in the work of the old *Vestries* for which they showed such aptitude and power, but also to take up the work of education, which has been closed to them to a large extent by the abolition of the School Board, to which they had the same right of election as men.

The *London School Board* consists (until the new Act actually comes into force) of fifty-five members elected by the different districts. It has six Industrial Schools under its supervision, and also sends children to sixty-two other Industrial Schools over the kingdom.

Few matters escape the vigilance of the committees. To illustrate the vast amount of labour which this administration entails, I cannot do better than give a *few typical instances of the work done by individual* members of the Board.

One member, a *lady*, is vice-chairman of one principal committee, a member of two, chairman of three sub-committees, and a

member of ten. As chairman of the Domestic Subjects Sub-Committee she has to deal with the needlework taught in 441 girls', and in 82 mixed departments, with the classes of cookery, laundry, and housewifery in 333 centres. These classes require constant watchfulness and development. This duty alone would constitute a sufficient task, but in this member's case it forms only a part of her manifold duties. As the vice-chairman of the Industrial Schools Committee, she takes an important part in the work of that department, and this involves visits to a number of institutions throughout the country to which the Board sends children, visits which can only be paid when the Board is not in session. She is chairman of the Gordon House Sub-Committee, which entails a weekly visit to that institution ; and chairman of the Brunswick Road Day Industrial School Sub-Committee ; and the representative of the Board on the committees of an Industrial School in Essex, and another at Cambridge Heath. She is also a member of the School Management Committee, which meets every week ; of the Teaching Staff, Pupil Teachers', and Special

Schools Sub-Committees; she is chairman of her Divisional Committee, and she has 14 schools under her charge, all of which make demands upon her time.

I need hardly say that I could give a similar account of the work of other ladies on this Board, but my space will only allow me to give one specimen. It should further be noted that much of the work described could only be done by a woman, and that the exclusion of women would deal a fatal blow to the efficiency of this Board.

London for *Poor Law* purposes is divided into unions; the hamlet of Penge is in the Croydon Union; all the rest of the metropolis is divided into 30 unions, of which the City is one. The Guardians are elected by the same electors as the Borough Councils, and women are eligible with men for the office.

Chapter X.

The Witan—National Assembly—Curia Regis—Grand Council—Parliament.

The *Witan gemot*, the supreme Council of the nation, has been described as "democratic in ancient theory, aristocratic in ordinary practice." According to one historian, every freeman and freewoman had a right to attend the *Witan;* according to another it was never formed on the model of the smaller moots, as the *Folk moot* of the whole nation. And the ordinary freeman and freewoman—for women were on an equality with men—only had the right of attending the *moot* of the village or town in which they lived, and later as representatives to the *Shire moot.* And yet constructively the *Witan* represented the whole nation, whose rights as against the King were all vested in this assembly. Although the *Witan gemot* was not a representative body in the modern sense, it was certainly looked upon

as representing the whole people and the national will. Its powers were most extensive; greater even than those of the modern Parliament. Let me give a few of them :—

(1) It had the power of deposing the King for misgovernment. Before the Norman Conquest, two monarchs, Ethelwald in 765, and Alfred in 874, are said to have been regularly deposed by the *Witan ;* there are instances of later date, ending in James II. in 1668, of deposition of unruly or tyrannical monarchs.

(2) The witan had power of electing the King, and all the old Teutonic kingdoms were elective ; but in every kingdom there was a royal family, out of which the witan had the right to elect the most competent members, the eldest son of the last King by preference.

(3) The *Witan gemot* had a direct share in every act of government. In conjunction with the King, the *Witan* enacted laws and levied taxes for the public service, made alliances and treaties of peace, raised land and sea forces when occasion demanded. It made grants of *folkland*, appointed and deposed the bishops, ealdormen of shires, and other great officers of Church and State, and acted from time to time

as a supreme court of justice, both in civil and criminal causes.

But although the powers of the *Witan* were so extensive, the active exercise of them varied greatly with the personal character and influence of each occupant of the throne. Strong kings like Alfred and Athelstan were able by legitimate exercise of personal influence to lead the *Witan* in whatever direction they pleased, and thus practically enjoy supreme power. Towards the close of the Teutonic period many of the powers which had been originally shared by the King and *Witan* were exercised by the King alone, but in the two primary questions of legislations and imposition of extraordinary taxation, the right of the *Witan* to give counsel and consent was at all times recognised. It is evident that the *moots* of *tun*, *burh*, *hundred*, and *shire* were far more democratic in their foundation, and formation, and election, than the *Witan*; but through the march of ages all this to a great extent has become reversed. The present *House of Commons*, a representative assembly, and the bodies which followed the old *moots*—the *vestry* in the village and the *local board* and *town council* in the towns—

gradually became composed, on account of the qualification considered necessary for members of such bodies, of the well to do and influential; and not of the people themselves, as in the Teutonic and Early Norman period, where no qualification was required. The continuity of the English Constitution was not broken by the Norman Conquest. That event should never be regarded as a fresh *starting point*, but, on the other hand, as the great *turning point* in English history. The laws, with a few changes merely in details, remained the same, the language of public document remained the same, and the powers of the King and *Witan* remained the same under William the Conqueror, as under Edgar. But as the feudal principle gradually acquired a predominating influence in every department of the State, the *Witan* (or National Assembly) almost insensibly changed into the *Curia Regis* (the court of the King's vassals), and here the democratic idea begins to slip gradually away, and is lost for a very considerable time. All immediate tenants of the Crown by military service, however small might be their holdings, had originally a personal right to be summoned to the

Witan or special *gemots* whenever the King wished to impose any extraordinary aid, and probably on other occasions also. The bishops and principal abbots continued for a long time to be summoned without intermission, though their ancient character of "wise men" appears to have become gradually merged in that of the feudal barons. The *eorls* also, who were at all times and without exception indisputably noble, never lost their right to attend. But as regards all other military tenants, incapite, although constitutionally members of the *Witan* and *gemots*, it is highly probable that the King early assumed the power of himself selecting the persons to whom writs of summons should be addressed. Thus we see that the same indefiniteness and uncertainty which had characterised the constitution of the *Witan* and *gemots* continued as a feature of the feudal equivalent, with the exceptions of the famous *gemot* of Salisbury held in 1086. This was twenty years after the Conquest, and before the feudal system had become a part of its predominating character. This *gemot* was attended, not only by the "wise men," but by all the landowners of the kingdom, whether

tenants in chief or not. There was also a similar general muster of landowners held by Henry I. at Salisbury in 1116. With these two exceptions a complete assembly of all the tenants in chief can hardly ever have taken place. Still, the personal right always existed.

Henry I. appointed a *Chief Justiciar* (equivalent to the Premier of modern times) in 1107. The annual courts were still held in the more important towns, and as business increased the *Chief Justiciar*, with some of the lesser justices, made circuits round the kingdom. The two great constitutional results of the reign of Henry I. were—

(1) The reorganisation and full development of the kingship as a monarch at once feudal and national.

(2) The maintenance of the legal supremacy of the State over the national Church.

In working out this policy he had to contend with two powerful elements. First, the feudal baronage, whose power and privileges it was necessary to largely curtail; secondly, the clergy, who, under the system of separate spiritual and temporal jurisdiction, initiated by the Conqueror, had succeeded in obtaining a

mischievous, and even dangerous immunity from all the ordinary processes of the law. The effect of this policy was to greatly strengthen the power of the Crown, but although he maintained a strong central government, Henry I. never aimed at despotic power. During his reign the famous *Constitutions of Clarendon*, sixteen in number, became law.

There are three great political documents in the nature of fundamental compacts between the Crown and the nation, which stand out as prominent landmarks in English constitutional history—*Magna Charta*, *The Petition of Rights*, and *The Bill of Rights*. They are, in the words of Lord Chatham, "the Bible of the English Constitution." Each professed to assert rights which were of old standing, and sought to redress grievances, which were for the most part innovations upon the ancient liberties of the people. In its practical combination of conservative instincts with liberal aspirations, in its power of progressive development and self-adaptation to the changing political and social wants of each successive generation, have always lain the peculiar excellence, and at the same time the surest safeguard of our Constitu-

tion. *Magna Charta*, the great Charter of Liberties, was the result of the rising of all the freemen of the country, led by their national leaders, the barons. *Stubbs* speaks of it as "the first great public act of the nation after it has realised its own identity." And *Hallam* characterises it as "the keystone of English liberty." Far from being a mere piece of class legislation extorted by the barons alone for their own special interests, it is a noble and remarkable proof of the sympathy that existed between the aristocracy, and all classes of the people, and its provisions deal alike with the needs of all classes. There were several important events which led up to the granting of the Charter, as we are aware. In 1213 the northern nobility refused to follow King John to France, and an open quarrel with the barons was the result. While the King was vowing vengeance on his disobedient vassals, two important councils of the bishops and barons were held at St. Albans on August 4, and St. Paul's, London, on August 25. The assembly at St. Albans is of special historical importance as being the first instance of the summons of representatives (the *Reeve* and four men) from

each *tunship*. On January 6, 1215, the barons in arms presented their demands to King John at the Temple, and at his urgent request conceded to his desire for time for consideration. Meanwhile he did all he could to break up the combination against him, by charters and grants, given as a sop to stop the determined action of the freemen and barons But all his efforts were useless, and on the 15th of June, 1215, the great Charter of Liberties, *Magna Charta*, was signed at Runnymede.

As we have seen, the *King* was the head of the administrative system, and next in power came the *Justiciar*, the greatest subject in England, the representative of the Crown in all matters, and by virtue of his office, *Lieutenant* and *Viceroy* in the King's absence.

The title of *chancellor* was not introduced until the reign of Edward the Confessor. The keeper of the Royal Seal and chief chaplain to the King, and various other duties, were performed by a staff of officials, composed of the barons, who were attached to the royal household, as *Constables*, *Marshals*, *Chamberlains*, *Stewards*, or *Treasurer*.

Henry II. introduced important changes in taxation ; all classes of the people and all forms of property were brought under contribution. He introduced a new land tax, called *scutage*, which was imposed upon the tenants in chivalry, clerical as well as lay, and rated, not upon the ancient bars of the hide, but upon the scutum or knight's fee. The early "hide" is said to have been about a hundred and twenty acres. The quantity of land constituting a knight's fee was not uniform, and probably varied with the value. But the usual requisite was £20. Probably Henry's most important innovation was a taxation of income and personal property in 1118.

Chapter XI.

The Witan—National Assembly—Curia Regis—Grand Council—Parliament

(continued).

Not long after the granting of *Magna Charta*, the *Curia Regis* (the old *Witan*) was permanently divided into three communities or courts, each taking a proportion of the State business.

(1) Fiscal matters confined to the Exchequer.

(2) Civil matters decided in common pleas.

(3) The Court of King's Bench, which retained all the remaining business.

The *Chancellor's power* grew greater and greater, and the King and his ministers became for some time the source of all power.

Henry II. made the *National Assembly* (*Witan*, or *Curia Regis*) a very different body to what Henry I. had left it. Its composition was that of a perfect feudal court, composed of archbishops, bishops, abbots, priors, earls,

barons, knights, and freeholders. Towards the end of his reign, Henry II. found it necessary to limit the number of his lower freeholders who attended the councils. The hereditary character of the present *House of Lords*, long regarded as fixed and fundamental, grew slowly and undesignedly as a consequence of the hereditary descent of the baronial chiefs. The King had the right of summoning other persons on his own behalf, an obviously dangerous power. At first it was not considered that such a summons should confer a right of regular attendance, much less a hereditary right; but very gradually the idea grew, and the hereditary principle crept in, and thus the *House of Lords* attained to the position that it now occupies. As the ordinary tenant-in-chief became gradually merged in the general mass of freeholders, his theoretical right of attending the *Commune Concilium*, or *National Assembly*, in person was exchanged for the practical right of electing representatives, who in his name consented to the imposition of taxes. In 1258 the King found himself obliged to submit to his barons. A committee of twenty-four persons, twelve to be elected by

the King and twelve by the barons, was appointed, and given the name of the *Mad Parliament.* Their first business was the drawing up of the *Provisions of Oxford*, under which all the powers of government were placed in the hands of a form of representative oligarchy. On four different occasions the government of England has been placed for a time in the hands of an oligarchy—in John's reign, with twenty-five barons, resulting in *Magna Charta*; under Henry III., the Committee of twenty-four resulting in the *Provisions of Oxford*; under Edward II., with the twenty-one Lords Ordainers; and under Richard II., under the five Lords Appellant.

Henry III. openly refused in 1261 to abide by the *Provisions of Oxford*, and civil war broke out as the result. If not the actual founder of representative government in England, Simon de Montfort must be regarded as the founder of the *House of Commons.* The knights of the shire, exclusively representing the landsfolk, and closely connected in descent, sympathies, and traditions with the great barons, could never form a representative popular house, with any right to speak for

and on behalf of the people. Through the action of Simon de Montfort the burgher class of townspeople were admitted, and they, together with the freeholders, from the counties, from this time constituted an important part of each Parliament. This radical change in the Constitution was effected on December 14th, 1264, when Simon de Montfort, in the name of the captive King (Henry III.), summoned his famous Parliament to meet in London in January. Writs were issued to all the sheriffs directing them to return not only two knights from each shire, but two citizens from each city and two burgesses from each borough. From this time forward the towns grew in importance. But under Edward I. instances of popular representation are few, while great councils, attended only by the prelates and big magnates, were frequently held. Although good and great, Edward loved despotic power—he was loth to admit the Commons into a share in his government; but we find through his reign several instances of representation as laid down by Simon de Montfort, for instance, in 1283 at Shrewsbury, and in 1290 at Westminster.

Under the reigns of Edward I., Edward II., Edward III., and Richard II., Parliament grew in power and greatness. The exact date of the division of Parliament into two distinct Houses is not clear, but the first mention in the rolls of Parliament of a separate session occurs in 1332. In 1352 the Chapter House of Westminster Abbey became the chamber of the Commons.

On the introduction of county representation, the knights of the shire, although elected not merely by the immediate tenants of the King, but by all the freeholders of the county, naturally continued to sit, deliberate, and vote with the greater barons. But the representatives of boroughs, belonging to a lower grade, and entering Parliament in virtue of a newly-acquired right, formed from the first a distinct assembly, deliberating and voting apart. Whether they sat in a different chamber or at the bottom of Westminster Hall, while the lords and knights occupied the upper end, is not clear, nor does it materially matter. Few things are more important in our early constitution than the fact of the civil equality of all ranks below the peerage. Had this not

been so, the *House of Commons* could not have become what it is to-day. The knight of the shire was the connecting link between the baron and the shopkeeper. The idea of annual Parliaments, though considered somewhat unpractical at the present day, dates back as far as 1311, and had the idea become a principle, and the principle a fact, probably much of the disturbed state of the country owing to the refusal of monarchs to call their Parliaments together might have been avoided in the middle ages. During the reign of Edward III. the Commons succeeded in firmly establishing as principles of government three great rights—

(1) That all taxation without the consent of Parliament is illegal.

(2) The necessity for the concurrence of both Houses in legislation.

(3) The right of the Commons to inquire into, and amend the abuses of the administration.

Until the accession of Edward III., the form had run with regard to law-making :—"By the assent of the prelates, earls, barons, and the commonality of the realm." Under Edward

III. this form alternates with another :—" At the request of the Commons and by the assent of the prelates, earls, and barons." Here we see the influence and power of the Commons asserting itself, and justly so ; but it was under the Lancastrian kings that the privileges of Parliament first began to attract attention, and the following claim special mention :—

(1) Freedom of speech.

(2) Freedom from arrest and special protection against assault.

(3) The right to determine contested elections.

Chapter XII.

The Witan—National Assembly—Curia Regis—Grand Council—Parliament (*continued*).

Passing on to the reign of Henry VII., we find that during the hundred and twenty years spanned by the Tudor dynasty, the constitutional historian has scarcely any general progress or any important measure of improvement to record. The power of the Crown steadily increased, until it acquired dangerous proportions; but yet a silent transfer of power was taking place, and the struggle for religious freedom led on to the indication of political freedom also. Throughout his reign of twenty-four years Henry VII. summoned Parliament only seven times, and during the last thirteen years only once—in 1504. To obtain money was the object on each occasion. Under Henry VIII. there is only one instance—in 1532, when the Commons refused to pass a Bill recommended by the Crown; but under

Edward VI. and Mary this occurred on several occasions. These indications of the reviving independence on the part of some of the Commons was met by the creation of rotten boroughs, and by the direct interference of the Crown in elections.

The persecuting policy adopted by Elizabeth against the Puritans had most important political results. "It found them a sect, it left them a faction," and during the closing years of her reign, and during the Stuart period, the finest champions of constitutional liberty, against the arbitrary exercise of royal power were drawn from the Puritan ranks. The two principal subjects upon which the conflicts arose between Crown and Parliament were the settlement of the succession to the throne, and the further reformation of the Established Church. Elizabeth allowed five years (1566-1571) to elapse between summoning Parliament. At the Parliament of 1571, in reply to the Speaker's customary demand for freedom of speech, *Lord Keeper Bacon* said: "Her Majesty having experience of late of some disorder and certain offences which, though they were not punished, yet were they offences

still, and so must be accounted, they (the offenders) would do well to meddle with no affairs of State but such as should be propounded into them, and to occupy themselves in other matters concerning the Commonwealth." In the Parliament of 1575-6 a remarkable address was delivered by *Peter Wentworth*, member of Parliament for one of the divisions of Cornwall. "Sweet is the name of liberty," he said; "but the thing itself a value beyond all inestimable treasure, so much the more it behoveth us to take care lest we, contenting ourselves with the sweetness of the name, lose or forego the thing." Queen Elizabeth's famous definition of liberty of speech cannot be passed over. "Privilege of speech is granted, but you must know what privilege ye have; not to speak everyone what he listeth or what cometh into his brain to utter; your privilege is aye or nay." The year 1601 is remarkable for the victory of the Commons on the question of monopolies, also for the passing of the Act for the relief of the poor, the foundation of our modern *Poor Law Acts*. In the reign of Elizabeth, also, occurs the first instances of punishment for bribery at

elections. In 1571 the borough of Westbury was fined for this offence—the large sum of £4. *Harrison*, in his description of English Parliament in 1577, says: "This House hath the most high and absolute power of the realm."

During the reign of James I. the Commons indicated their exclusive right to determine contested elections. They asserted their privileges as follows :—

(1) That our privileges and liberties are of right and due inheritance, no less than our very lands and goods.

(2) That they cannot be withheld from us, denied or impaired, but with the apparent wrong to the whole state of the realm and so on.

Constant bickerings occurred between James I. and the Commons, until he takes matters into his own hands and writes to the Speaker, forbidding the House to "meddle with the affairs of State." In 1628 the famous *Petition of Rights* was passed. James I. resorted to every means in his power to raise money. Several peerages were sold for £10,000 each, and he created a new order of hereditary knights (baronets) at £1,000 each, and sold

some of his Crown lands. Two writs for *ship money* were issued in 1634-5, and *John Hampden* refused to contribute. The story of his gallant fight and trial and its decision are well known to all. In 1640 the renowned Parliament met, destined to every extreme of fortune, to servitude, to glory, and to contempt. At one time the sovereign of its sovereign, at another time the servant of its servant; but, in spite of many errors, earning the reverence and gratitude of all who believe in constitutional government. *John Hampden* with untiring energy rode from shire to shire, exhorting the electors to return worthy members, and with other leaders of the popular party secured an overwhelming majority for the opposition. During the first session of ten months a number of salutary Acts were passed, and abuses which had been accumulating for a long period were swept away, leaving the ancient constitution intact.

The *Triennial Act* was passed in 1641, thus obliging the King to call Parliament together at regular intervals, and making its duration not more than three years. Ship money was abolished about this time, and the Star Chamber fell. Drastic measures dealing with

the bishops and lesser dignitaries of the Church were introduced at this period, but the time was not ripe for their passing. In 1649 the Commons declared: "That the people being, after God, the source of all legitimate power, the sovereign power of England resides in the Commons, who are elected by and represent the people." A few days after the execution of King Charles they voted the House of Lords as "useless and dangerous," and the kingship as "unnecessary, burdensome, and dangerous." The history of these stirring times, of Oliver Cromwell's power and genius, "a born ruler of men," the victories of the Roundheads and the downfall of the Royalists, and ending with the execution of King Charles I., is known to everyone as one of the most fascinating periods in the long history of revolt against the Crown in this country.

Charles II.'s reign has been described as the "era of good laws and bad government." One of, if not the most important statutes passed during his reign was the *Habeas Corpus Act.* The *Test Act, Corporation Act, Act of Uniformity*, and the *Five Mile Act* were all passed between the years 1661 and 1679.

During the reign of William and Mary the *Bill of Rights* was passed (1689), the third great charter of English liberty. It is sound, liberal, and constitutional. In it we see stated "that the elections of members of Parliament ought to be free." Amongst the many reforms which to-day (nearly three hundred and fifty years later) we have not yet placed upon our statute book. We may well consider the *Bill of Rights* as the summing up and final establishment of the legal basis of the Constitution with *Magna Charta* and the *Petition of Rights.*

In the year 1700 the *Act of Settlement* became law, and a few years later Government by party began to make itself felt in Parliament, but it was not, however, fully established until the reign of King George I. The Cabinet grew in importance, and gradually the source of all power became vested in Parliament, and the King little by little lost the supreme position he had held in centuries past. The old Constitutional maxim, "Kings can do no wrong," is, however, now literally true, for he acts only through his ministers. The sovereign and the ministers

are responsible to the country for the general course of their policy. Since the accession of the House of Hanover, it is interesting to remember, that the power of the sovereign has never been exercised in the refusal of the royal assent to a Bill which has passed both Houses.

We have seen how the *folkland*, the land of the nation, gradually changed into the "Terra Regis," the King's land (Crown land). George III. restored some of this land to the nation, and thus the *folkland* of the Teutonic period and "Terra Regis" of the Norman period has once more become the folkland or common land as it has been called for many years.

Gradually, at different points in the history of this country, the House of Lords and the House of Commons have undergone very important changes, in numbers, composition, and political influence. Since 1295 the numbers of the directly representative chamber—the Commons—has nearly trebled. Coming to the history of our own times, the *Reform Act* of 1832 for England, Ireland, and Scotland claims close attention. All narrow rights of election were set aside, and in 1867 further electoral rights

were introduced in England and Wales. Since the *Reform Act of* 1832, the attention of Parliament has been continually directed to the suppression of bribery and intimidation, at elections, and in 1872 the *Ballot Act* was passed, by which the open nomination of candidates at the hustings was abolished, and voting by secret ballot at the parliamentary and municipal elections was substituted for the old system of open voting. The *Septennial Act* of 1716, as we have seen, extended the period of parliamentary duration to seven years, and is still in existence. In 1828 the civil disabilities of Dissenters were at last swept away by the repeal of the *Test* and *Corporation Acts*. The next year the *Roman Catholic Emancipation Act* was framed, and in 1833 Mr. Pease was returned to the House of Commons—the first Quaker who had been elected for a hundred and forty years. He took his seat on making an affirmation instead of an oath. Gradually religious toleration, instead of intolerance, made its appearance, until in 1871 one of the few remaining disabilities of Dissenters was redressed by the *Universities Tests Act*, which opened all lay academical and collegiate offices

in the Universities of Oxford and Cambridge to all persons, whatever their religious belief. In 1832 the freedom of the Press was at last firmly established, and in 1888, and again in 1894, local self-government was re-given to the counties, towns, and villages.

I have now briefly traced the English Constitution from its germ in the free institutions of our Teutonic forefathers, and we have "marked the course of freedom as it slowly broadens down from precedent to precedent." There is still much to be accomplished before the words of *Cowley* will ring true: "Government of the people by the people and for the people." It is not for me to prophesy or suggest the future by specifying the reforms we need to achieve for this end. But it clearly is necessary, if we would have them, to seek still further religious equality, a far wider and more democratic form of self-government and registration reform which will apply equally to both sexes; and the curtailment of the power of the so-called Upper House, who, as the law now stands, can undo in a few hours the onerous work of weeks and months of the representative chamber, the

House of Commons. This country has lived through the politics of conquest, the politics of family, the politics of giving life to the people —now comes politics of the people for the people—or, as *Herbert Spencer* wrote, " The great political superstition of the past was the divine right of kings, the great political superstition of the present is the divine right of Parliament." Our aim must be to make that Parliament truly representative of the people, of all classes, from the very humblest to the highest.

Chapter XIII.

The Position of Women in Local Government.

I wish now to examine the subject as it affects the position of women during the evolution of local government, which I have traced from the Teutonic conquest of 450 to the third year of a new century—1903. Those early days of government have been well termed "the golden age of local government" in England. Under that system free men and free women (for history indicates that women were on an equal footing with men as regards voting and election, though probably not eligible for offices themselves), met together to manage the affairs of their burh, tun, and shire. And to elect the head man, the port, wic, or tun gerefa of the burh, and the tun; and the ealdorman of the shire—one man, one vote; one woman, one vote. As I have already pointed out, women were probably—though

this has not been proved—not eligible, or, more probably, had not the necessary time to give to the official work as headsman. After the Norman Conquest, and for a number of years, women do not appear to have taken much part in the building up of their country's history. But from time to time remarkable women held high office, and showed clearly, as Queen Elizabeth and Queen Victoria have done, their capacity for taking even the most important posts, and serving their country with firmness and judgment equal to men.

In the middle ages they re-asserted their rights, for there are many instances of women acting as governors of castles, as magistrates, and as sheriffs, and even as judges. In the Middle Ages, Anne, Countess of Pembroke, and daughter of the Earl of Cumberland, succeeded to the hereditary office of Sheriff of Westmoreland upon the death of her father, and sat upon the bench at Appleby. In those days a hereditary office could be succeeded to by a daughter, and did not entail the position falling upon a male heir. Lady Berkeley, of Yate, Gloucestershire, acted as a judge under a special commission granted to her by Henry

VIII. Her estates "were wont to be frequently visited by poachers," and on appealing to the King she was empowered to try the offenders, herself acting as judge, with a jury. She was also a justice of the peace for Gloucestershire, and sat on the bench at sessions and assizes, girt with a sword. Among the Harleian MSS. is a note taken from Mr. Attorney-General Roy's readings in Lincoln's Inn in the year 1652, in which it is stated "that in Sussex one Rouse, a woman, did usually sit upon the bench at assizes and sessions."

The *Petition to the Commons for Redress of Grievances* in 1643 is so quaintly expressed, and so full of common sense, that I cannot refrain from giving the principal parts of it here.

"To the honourable knights, citizens, and burgesses of the House of Commons assembled in Parliament, the humble petition of the gentlewomen, tradesmen's wives, and many others of the female sex, all inhabitants of London and the suburbs, these of which with the lowest submission showing, &c., &c."

"They acknowledge the care of the House

in the affairs of State. They have cheerfully joined in petitions which have been exhibited 'in behalf of the purity of religion and the liberty of our husbands' persons and estates,' we counting ourselves to have an interest in the common privileges with them."

"It may be thought strange and unbeseeming to our sex to show ourselves by way of petition to this honourable assembly, but the matter being rightly considered of, it will be found a duty commanded and required."

"(1) Because Christ hath purchased us at as dear a rate as he hath done men, and therefore requireth like obedience or the same mercy as men."

"(2) Because women are sharers in the common calamities that accompany both Church and Commonwealth, when oppression is exercised over the Church or kingdom, wherein they live; and unlimited powers given to the prelates to exercise authority over the consciences of women as well as men."

"Your honours are the physicians that can, by God's special blessing (which we humbly implore) restore this languishing nation, and our bleeding sister, the kingdom of Ireland,

which hath now almost breathed her last gasp."

"We need not dictate to your eagle-eyed judgments the way; our only desire is that God's glory in the true reformed Protestant religion may be preserved; the just prerogatives and privileges of King and Parliament maintained; the true liberties and properties of the subject, according to the known laws of the land, restored; and all honourable ways and means for a speedy peace endeavoured. May it therefore please your Honours that some speedy course may be taken for the settlement of the true reformed Protestant religion for the glory of God, and the renovation of trade for the benefit of the subject, they being the soul and body of the kingdom. And your petitioners, with many millions of afflicted souls, groaning under the burden of these times of distress, shall (as bound) pray, &c."

Thus we see that, even at a time when the women of this country had lost, to a large extent, the old rights of equality with men, except in the case of the chief families whose women acted as judges, governors, and justices of the peace, it is remarkable that, although

deprived of the old equal rights with men in election, and to some extent the right of serving their country in local affairs, they still keep their interest, and petitioned, as we have read, for redress of grievances. It is interesting, also, to remember that the first daily newspaper in the world was established and edited by a woman, Elizabeth Mallett, in March, 1702, the "Daily Courant."

We must now pass on from the period of the Middle Ages to the year 1870, when the first women were elected to serve as members of *School Boards*—Miss Emily Davies and Miss Garrett (now Dr. Garrett Anderson)—upon the London Board. Their election was followed by a large number of others in the towns and country districts. From 1870, when women were first given the right of acting with men upon these boards, until 1902 and 1903, when the Education Act, 1902 (for England and Wales), and the Education Act, 1903 (London) were passed, they have done an immense and valuable work for the children of this country in the progress of education, as has been testified to again and again. Between 1870 and 1902-3, plural voting, and open voting, died

a well-earned death, and one vote, and by ballot, took its place for all those whose names appeared upon the local government register. Under the *Education Act of 1902* (*England and Wales*), as we have already seen, women cannot serve as elected representatives, upon the new education committees, chosen by the education authority, which, for all purposes of education, the county and county borough councils have become.

Until women can be elected as members of town, county, and London borough councils, they will have to be content with co-option versus election. Co-opted they must be, but, as I have already stated, the position is vastly inferior to that of direct election, and further, women, until they have the right to sit upon these councils, have no share in the drafting of the schemes, to which they are invited (co-opted) to take a part in the administration, and no direct share in the finance.

As school managers, women have a very important work to perform, and it is to be hoped that capable, practical, businesslike women, will act in this capacity, or the schools and the children will suffer.

Under the *London Education Act, 1903*, women were placed in much the same position. Ineligible to serve as London County Councillors and London borough councillors, they, like their country sisters, are co-opted, not elected, as members of the education committees, and, like them, have no share in the formation of the education scheme, no voice on financial matters, and no right of appeal to the electorate. And electors, whether they like it or not, have no option, but must elect men to the education authority (the London County Council), for the women they have hitherto chosen are prevented by law from serving *directly* in the interests of the education of London's children—girls as well as boys. In one respect, however, the women of London are in a better position than their country sisters. The Act of 1903 says (*clause 2*) (*1*): ". . . . Due regard shall be had in selecting managers to the inclusion of women, in the proportion of not less than one-third of the whole body of managers. . ." The Act of 1902 cites the number of managers to be chosen for provided, or non-provided schools, but does not state that a proportion

of women *must be* chosen. It is to be hoped that they will, for the work necessitates there being some on every school management committee if the many matters, closely affecting more particularly the infants and girls, are to be managed in the best possible way. A stupendous work has been carried on for many years since the first two women were elected upon the London School Board. Steadily since that time (1870) a more active part has been taken by them in this important work. Let me give an instance of the work done by a woman member of the Board. She was vice-chairman of one principal committee, a member of two, chairman of three sub-committees, and a member of ten. As chairman of the Domestic Subjects Sub-Committee, she dealt with the needlework taught in 441 girls' and in 82 mixed departments; with the classes of cookery, laundry, and housewifery in 333 centres. These classes required constant watchfulness. As the vice-chairman of the Industrial Schools Committee, the same member took a notable part in the work of that department, which involved visits to a number of institutions

throughout the country to which the School Board sent children. This same woman was also chairman of the Gordon Home Sub-Committee, entailing a weekly visit to the institution; chairman of the Brunswick Road Day Industrial School Sub-Committee, and representative of the Board on the committees of an industrial school in Essex, and another at Cambridge Heath, and further she was a member of the School Management Committee, which met every week. In addition to all this work, she was also a member of the Teaching Staff, Pupil Teachers', and Special Schools Sub-Committees, chairman of her divisional committee, and had 14 schools under her charge. Similar accounts of the enormous work done by other women members could easily be given, but this one instance of what can and has been done, is surely sufficient, and needs no comment. It will be noticed that much of the work described could only be effected by a woman, and, therefore, that the exclusion of women under the Act of this year has dealt a fatal blow to education, cannot be doubted. A former chairman of the London School Board of a few years ago, on

the occasion of the reassembling of the Board on October 2, 1902, said: "It was the first time I had been associated with women in an administrative capacity, and I must say that no part of the work was better performed than theirs, and that the amount of work done in proportion to the time expended was greatest on those committees on which women sat."

Now, having dealt with woman's work on the school boards of this country from 1870, and the new Education Acts, and their opportunity for work under fresh and inferior conditions, let us turn to the next opening for women, which occurred in 1872, when they were first elected as *Poor Law Guardians.* Open plural voting by paper, with a heavy rating qualification, was the case then. Under the Local Government Act, 1894, one vote, and that by ballot, was substituted for that effete and conservative process.

In each union (a group of parishes united for Poor Law purposes) the Poor Law is administered by a board of guardians. The guardians are elected by the parishes, one member for every parish, or group of parishes, with a population of not less than 300. There

are no longer any *ex-officio* guardians, but each board may co-opt two additional members. This method is in vogue in urban places. In country districts, the *rural district council* is not only, since 1894 (when this name was first given), the sole sanitary and the chief highway authority in its district, but its members are also *necessarily* Poor Law guardians; and represent each his or her own district, as such, on the board of guardians for the union. In an urban district all Poor Law matters are still administered by the board of guardians.

Thus we see that a country district may be either urban or rural, its size and boundaries still depending mainly on the areas of antecedent unions and sanitary authorities. Women (married, widowed, and single) may become guardians and rural district councillors. No property qualification is now required, and any person is qualified who is a parochial elector of some parish within the union, or has resided in the union during the whole of the twelve months preceding the election. And, in the case of a parish which lies wholly or in part within the area of a borough, whether a county borough or not, who

is qualified to be a councillor for that borough.

A large number of women, ever increasing in number, have, since 1872, taken a share in Poor Law administration. May it not be in some degree the result of their help that the children of the workhouses (all who may be by law) are in many unions boarded out in the villages or placed in homes (scattered, as in Sheffield, or like those in connection with the Birmingham Union at Marston Green, in the country a few miles from the city)? Uniform dressing has almost disappeared. Various kinds of enployment have been introduced, each as a help to the inmates who are too old or ill to assist in the work of the house, and who thus spend their days less drearily than heretofore. The dietary tables, too, have been greatly improved. May we not claim that in this work women have taken an important part, and have a duty to perform? The old and infirm and the children need the co-operation of both sexes, if the house in which they live is to be of real help to them, for most go there, not from their own fault, but from the hard necessity of their lives.

I dwelt at some length in a previous chapter

upon the *Parish Councils*, created in 1894 by the Local Government Act, so curiously like the old *Tun moot* of the Teutonic conquest of 450. We have seen that women, with men, took a share in the government of the *Tun moot.* In the *re-created Tun moot*—the *parish council*—women have an identical right with men to serve their parish on the council. All matters which affect village life affect women equally with men, and that being so, there is no lack of work for both sexes on these little village parliaments, whose powers for self-government I have already cited. Let me once again say, that fuller, more direct powers are sorely needed with regard to the cottage question in our villages, and let us hope we may before long obtain them, and that direct power may be given to erect cottages for the villagers by the parish council in the way I have indicated in a previous chapter. The exodus from country to town still goes on, and is to a great extent the outcome of the insufficient, and bad cottage accommodation in many districts, and the difficulty of obtaining land for allotments.

On the *Urban District Councils* (the *burh*

moot of 450) women have the same opportunity as men of serving, since 1894, but with this great difference—a man, if he be chosen chairman of his urban district council, becomes a magistrate during his term of office; if a woman is chosen (and women have been) this right is withheld. Yet in the Middle Ages, as I have shown, women acted as magistrates and judges; the right has been lost, and not conferred again.

The work in connection with an urban district council is greater than that of the parish council, but only insomuch as the powers are fuller in proportion, the town being larger than the village. I briefly outlined the powers and duties when comparing the old *burh moot* with its successor, and need therefore merely say that there is work for women on these councils as upon all others—work which necessitates the two sexes acting in harmony of ideal together. Work for the women and the children of the towns and villages, which can be best done by women, who not unnaturally claim to understand the needs of their own sex and little children—at any rate, as well, if not better, than men.

The Vestries in town and country are of old origin. In the country districts the parish councils created by the Local Government Act of 1894 took the place of these vestries, which followed the *tun moot*, but in London the vestries existed until a short time ago (1899). No person was disqualified by sex from being a vestryman of late years. The qualification for election was identical with that of the parish, rural district, and urban district councillor, and the work very similar to that of the urban district council. In 1899 there were twelve women serving on the greater vestries and one upon the minor. A woman vestryman, speaking of the work that could and has been done in the vestries by women, said: "There is one lady whose varied duties I should like to record. She is serving diligently at once on the Works and General Purposes, Parliamentary, Finance, Public Health, Town Hall, Improvements and Lighting Committees, and besides this she has been appointed an overseer—the only woman in London who has ever held that position. One cannot but express admiration for any woman who can fill such a rôle.

"Certain facts, however, speak for themselves, and that these ladies must have proved useful members of their various boards, one cannot doubt when one finds that they have been chosen to serve on Finance Committees, Works Committees, General Purposes, Parliamentary Committees, Parish Boundaries and Lighting Committees, besides those which are more obviously within the range of feminine work—I mean the Health Committee, and the Baths and Wash-houses. One woman has been appointed by her vestry a Public Library Commissioner, and another, I find, sits upon a Library Committee.

"In addition to these sub-committees, one has served from time to time on special committees. The most important I can recollect was one to report on whether or not measles should be made a notifiable disease; another to enquire and report on the manner in which disinfection was being carried out; and a third to report upon the failure of water supply in the terrible winter of 1895, when our largest model dwellings (so-called) with 3,000 inhabitants were left for six weeks without a drop of water.

"Our boldest venture has been the appoint-

ment in 1896 of a woman inspector to measure up and register our very lowest class houses, and to carry out the stringent regulations known as the tenement bye-laws. It had been previously held that this was a man's work, but the result has abundantly justified our action, for not only has she kept the landlords up to maintaining these low class tenements in very good condition, but she has also succeeded by her tact and persuasive powers in getting her overcrowding cases abated, so that in the whole time she has been working for us (nearly two and a half years) she has only been obliged to take ten overcrowding cases into court, and nine cleansing cases, and in every case she obtained a conviction. These bye-laws give power to enjoin on tenants the scrubbing of passages, staircases, and rooms, the keeping of yards and dustbins in order, and the doing of housemaid's work in the bedrooms, and in all these things and a few others our inspector has instructed and overlooked the tenants, and a transformation of their homes has been the result. It is worthy of record that our inspector has never met with incivility, and that in some cases she

has even been thanked for the improvement effected in the homes.

"The question of appointing an additional woman inspector for this work is on the agenda for our next meeting. I may mention that not only were we the *first*, but we are still the *only* authority in London that has appointed a woman to carry out the tenement bye-laws, but I sincerely hope that when we appoint another woman inspector for this purpose, our example may be followed in some of the poorer districts of London."

In 1899 these vestries were replaced by the new *Metropolitan Borough Councils* (commonly called *London Borough Councils*). Women had sat upon the old vestries for very many years—having regained the right, lost after 1100—and upon the newly-organised vestries from 1894, when, as I have shown, they had the same qualification as men for election. The House of Commons decided that the right should be maintained, and as women had sat upon the vestries, so they should sit upon the councils which were to take their place. In the House of Lords, however, women were, upon the motion of Lord Dunraven, in June,

1899, excluded from serving upon these new councils—new in name, but with the same work, and the same need for the co-operation of women, as had existed under the old name of vestry.

One of the most important duties of the London borough councils is the inspection of workshops under the Public Health Act. In these workshops many women are employed, and the councils inspect the sanitary accommodation provided for them (this is one of the duties), and question them, receive complaints, and so on. When the vestries were thrown open to women again (for many years they had not served upon them, having lost their old right exercised in early days), women inspectors were appointed. But it is not enough to appoint a woman as sanitary inspector, for if there are, as now, no women upon the council, her position is extremely difficult, and the good she can do is minimised to a great extent. This is obvious when we consider the nature of the work. Street sanitation, too, is one of the duties of these councils. Here, again, are not women needed to consider and act for the women and girls?

It is impossible for me to enter more fully into all the work of these councils needing women as well as men. The few matters I have mentioned will, I believe, suffice to prove that by excluding women from the work they have hitherto done to the advantage of the metropolis, London has lost a band of capable, earnest, untiring workers, and that men, women, and children will be the losers thereby.

As we have already seen, women are eligible for election to the *Urban District Councils* of this country, and many are sharing in the work. Under the *Municipal Corporations Act of 1835*, and the amending Act of 1882, charters of incorporation may be granted to growing towns, which has this result—the town, hitherto governed by its urban district council, to which women are eligible, and may, and have, acted as chairmen, becomes, under the charter of incorporation, a town council, with mayor, and councillors, and aldermen. Directly the deed (charter of incorporation) is executed, all women who have sat upon the urban district councils lose their seats. And so, as in the case of the vestries when they

became the London borough councils—the work (the same as before, only on a bigger scale, and with some important additions) is lost to women, who are ineligible for election to the new councils. These two losses of rights to women are a very serious matter—not only to the candidates themselves, but to the electorate and particularly to their own sex in the places they would represent. The voting qualification is also narrower, and widows and spinsters only, have the right to vote for candidates for town councils, whereas for the urban district councils qualified married women also have the vote.

We have now considered woman's place in local government, and seen that in the early days of the Teutonic conquest, in the days of our Anglo-Saxon forefathers, women voted in the moot of the tun, and burh, and shire for the election of the headsman, the tun, burh, or shire gerefa. It is uncertain whether they ever held these offices themselves—probably their duties in the home prevented them, supposing (which is not proved) that they were eligible for such offices. In the vestries which followed women again took their part; in

the middle ages they acted as judges, custodians of castles, justices of the peace, sheriffs, and in other capacities. Then, for a time, it seems as if they lost the direct touch with local and Imperial matters, although we must not forget that it was at a period when there was practically very little local government in the country, with the exception of London and a few of the larger towns. We find women petitioning, as I have shown, in the 17th century, evidently keenly interested, if not in active touch, with all that went on. In 1870 we find women coming forward as members of school boards, and continuing, in increasing numbers, to do valuable work on these boards all over the country until 1902 and 1903, when, by the Education Acts of these last two years, they lost the right of popular election, and find their only consolation—a poor one, it must be admitted, from a woman's point of view—in co-option on to the education committees. Here, again, a serious loss of rights held for many years. In 1872 women were first elected as Poor Law guardians, and in 1894 (under the Local Government Act) as rural district councillors. These positions we still enjoy,

finding the work particularly useful and necessary. In 1894, also under the same Act, women have come forward as members of parish councils and urban district councils—the former akin to the tun moot of 450 and vestry of later date; the latter to the burh moot of 450 and the local board of a much later period. On both these councils there is work for women. As urban district councillors, as I have pointed out, women have to face a loss of rights with the growth of the town, and the charter of incorporation when it becomes a town council. Upon the London vestries, women, as we have seen, had proved their capacity for work, yet when those vestries in 1899 became the London borough councils, they lost all rights of election, and men alone serve London on the councils to-day.

As county councillors (County Councils Act, 1888), women are ineligible, but upon the committees of the councils they have been co-opted, *i.e.*, for technical education, and under the Midwives Act, 1902, and the Education Act, 1902. The two latter Acts necessitate women serving upon the committees constituted by the county council; upon the

technical education committees of many councils no women have been asked to sit. Would it not be well if it was not "may sit," but "must sit"? Thus we see that women during the last few years (since 1870) have gained the right to sit as: Members of school boards (1870), Poor Law guardians (1872), parish councillors (1894), urban district councillors (1894), rural district councillors (1894), members of the re-organised London vestries (1894). Some of these are old positions and rights regained, as we have seen. But women have lost since 1899 the right to sit as: Members of school boards (the boards having died with the Education Acts of 1902 and 1903), and as London vestrymen (1899). Women may not and never have sat upon: Town councils, although they sit upon urban district councils, and the work is of the same character, and much of it identical—until they become town councils. Women may not sit upon the London borough councils (the old vestries, where they did good work for years)—they have merely changed their name and added somewhat to their work. Women are debarred from serving as county councillors, to which

the administration of the education of the children is now handed, and which has always dealt with matters directly concerning women. Women may not sit upon the London County Council, which deals with questions closely affecting women, to which this year the education of the children of London has been handed over, a work in which women have played an important part upon the London School Board.

The admission of women to all the local governing bodies of this country, as electors and members upon the same terms as men, could not but r e of help to the country, to the electorate, to women and to men. In tracing local government from earliest days down to the present year, it is impossible not to dwell upon the position women have taken during these hundreds of years, the part they have played, together with the opportunities given them (in many cases renewed rights) of serving their country. The serious loss of rights enjoyed, in many cases, of recent years, both rights and losses which have come to them comparatively lately, demand consideration.

We have seen how in 450 the people were the source of all power, then we have traced the growth of the power of the monarch, its decline, and the growth once again of the power of the people. Will not this country, through its Parliament, be best helped by those who have served their apprenticeship on the councils of the places where they live, and for those of us who may not enter Parliament, can there be a better work than that of taking a share in the government of the village, town and city wherein we dwell?

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